

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

DEC 14 2023

Nathan Ochsner, Clerk of Court

TIMOTHY AGUILAR
Plaintiff

v.

Case No. 4:23-cv-3988

NETWORK INSURANCE SENIOR HEALTH DIVISION
ALG, LLC, ET AL
Defendants

**PLAINTIFF'S RESPONSE TO DEFENDANT NETWORK'S MOTION TO DISMISS AND
PLAINTIFF'S MOTION TO STRIKE NETWORK'S AFFIRMATIVE DEFENSES**

TO THE HONORABLE U.S. DISTRICT COURT JUDGE:

NOW COMES, in pro se, Timothy Aguilar and files this his Response to Defendant Network's Motion to Dismiss and Plaintiff's Motion to Strike Network's Affirmative Defenses, and in support thereof, shows the following:

BACKGROUND

1. Defendant Network Insurance Senior Health Division ALG, LLC (hereinafter Network and or NISHD) is a Field Marketing Organization ("FMO") in business for over twenty-five (25) years that supports independent insurance agents, agencies, brokers and producers nationwide in their sales endeavors and client retention, specifically in the Medicare Supplements, Medicare Advantage and final expense financial products for senior citizens as per Network's online presence.¹ Network also supports these agents and agencies with state of the art resources and telemarketing tools to further their insurance business. Network utilizes many forms of telemarketing techniques and or tactics to reach

¹ Who We Are | Network Insurance (nishd.com) (last visited on November 30, 2023)

the consumers and solicit their financial products whether by communication by social media, emails, telemarketing campaigns, mailings, and any other forms of communication that should not violate federal or state laws per se. Strangely, Network's compliance section is "void" of any requirements that must be adhered to under guidelines by the Centers for Medicare and Medicaid Services (CMS). 42 CFR sect. 422.2261(a) and 42 CFR 422.2262 or any other federal compliance regarding Do Not Call information.

2. Plaintiff is on the Do Not Cal List. ***P's Complaint*** at Exhibit A.
3. Upon information and belief, Network, with the assistance of VoIP service provider co-defendants, Bandwidth, Onvoy and Peerless, have placed a multitude of illegal robo calls to plaintiff's cell number in soliciting Network's medicare and final expense products. See ***Complaint*** at pg. 25. As of this present filing herein, over nine-hundred (900) robo/pre-recorded calls have been received, a good percentage recorded between plaintiff and robo-caller. Since the filing of this present lawsuit, a few live telemarketers have indicated they were calling on behalf of Network and while being recorded by plaintiff. Exhibit A herein is a true and correct excel spreadsheet that consists of nine-hundred (965) sixty-five robo/spoofed/pre-recorded calls that Plaintiff has received since January 3, 2023.
4. It was not until July 18, 2023 when Plaintiff discovered who the TCPA violator was after providing his personal information to the robo caller and verifier to set up an in-house appointment with Texas insurance agent Ashley Johnson. ***Complaint*** at pg.27
5. The chain of command here in Network's FMO eco-system, (1) Network contracts with a telemarketing company to make robo calls to prospects, leads and or random accessed numbers; (2) consumer, prospect, lead generated reveals personal information to robo caller and verifier; (3) consumer's information is sent to Network; (4) Network assigns

insurance agent based on consumer's zip code and or geo graphic area and goes to that prospect's residence or location to generate a life insurance policy and or some other financial insurance related product that Network market's and or sells via their telemarketing agents.

6. Upon signing the Life Insurance application underwritten by United of Omaha, did plaintiff discover that Network was the General Agent who directed Johnson to plaintiff.

Legal Standards

A. Rule12(b)(6)

7. A motion to dismiss an action for failure to state a claim admits the facts alleged in the complaint, but challenges Aguilar's right to relief based upon those facts."² Under Rule12(b)(6), in order for Aguilar to avoid dismissal, the complaint "must contain *sufficient factual matter*, accepted as true, to 'state a claim to relief that is plausible on its face.'"³ This Honorable Court should read Aguilar's complaint as a whole,⁴ accepting all well-pleaded facts as true (even if doubtful or suspect⁵) and viewing those facts in the light most favorable to Aguilar.⁶ Aguilar understands that the Court will not strain to find inferences favorable to him,⁷ but the Court will not indulge competing reasonable

² *Crowe v. Henry*, 43 F.3d 198, 203 (5th Cir. 1995); *Chatham Condo. Ass'ns v. Century Vill., Inc.*, 597 F.2d 1002, 1011 (5th Cir. 1979)(quoting *Mortensen v. First Fed. Sav. & Loan Ass'n*, 549 F.2d 884, 891 (3d Cir. 1977)) ("The decision disposing [of] the case is then purely on the legal sufficiency of plaintiff's case: even were plaintiff to prove all its allegations, he or she would be unable to prevail.")

³ *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007))

⁴ *Gulf Coast Hotel-Motel Ass'n v. Miss. Gulf Coast Golf Course Ass'n*, 658 F.3d 500, 506 (5th Cir. 2011)("While the allegations in this complaint that the *Golf Association's* anticompetitive acts 'substantially affected interstate commerce' are not sufficient on their own, the complaint here read as a whole goes beyond the allegations rejected in *Twombly* and *Iqbal*.")

⁵ *Twombly*, 550 U.S. at 555–56

⁶ *Leal v. McHugh*, 731 F.3d 405, 410 (5th Cir. 2013) (quoting *Turner v. Pleasant*, 663 F.3d 770, 775 (5th Cir. 2011)) ("This court construes facts in the light most favorable to the nonmoving party, 'as a motion to dismiss under 12(b)(6) is viewed with disfavor and is rarely granted.'")

⁷ *Dorsey v. Portfolio Equities, Inc.*, 540 F.3d 333, 338 (5th Cir. 2008)

inferences that favor the defendant.⁸ A plaintiff need not plead evidence⁹ or even detailed factual allegations (especially when certain information is peculiarly within the defendant's possession¹⁰), but must plead more than "naked assertions devoid of further factual enhancement" or "[t]hread bare recitals of the elements of a cause of action, supported by mere conclusory statements" to survive a motion to dismiss.¹¹ The Court is to give a liberal construction to the pleadings and allow Aguilar to offer evidence clarifying and supporting their theories of liability unless there is no basis for liability.¹² In evaluating a motion to dismiss, courts disregard any conclusory allegations or legal conclusions¹³ as not entitled to the assumption of truth,¹⁴ and then undertake the "context-specific" task, drawing on judicial experience and common sense, of determining whether the remaining well-pled allegations give rise to entitlement to relief.¹⁵ "A claim has facial plausibility when the plaintiff pleads factual content that

⁸ *Lormand v. US Unwired, Inc.*, 565 F.3d 228, 267 (5th Cir. 2009).

⁹ *Copeland v. State Farm Ins. Co.*, 657 F. App'x 237, 240–41 (5th Cir. 2016)

¹⁰ *Innova Hosp. San Antonio, LP v. Blue Cross & Blue Shield of Ga., Inc.*, 892 F.3d 719, 730 (5th Cir. 2018) (holding that pleading "on information and belief" is acceptable when the inference of culpability is plausible)

¹¹ *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 555, 557); see also *id.* at 679 (holding that a complaint that "do[es] not permit the court to infer more than the mere possibility of misconduct" does not suffice to state a claim)

¹² *Great Plains Tr. Co. v. Morgan Stanley Dean Witter & Co.*, 313 F.3d 305, 312–13 (5th Cir. 2002); *Jones v. Greninger*, 188 F.3d 322, 324 (5th Cir. 1999) ("The issue is not whether the plaintiff will ultimately prevail, but whether he is entitled to offer evidence to support his claim. Thus, the court should not dismiss the claim unless the plaintiff would not be entitled to relief under any set of facts or any possible theory that he could prove consistent with the allegations in the complaint.")

¹³ *In re Great Lakes Dredge & Dock Co. LLC*, 624 F.3d 201, 210 (5th Cir. 2010) (citing *Ferrer v. Chevron Corp.*, 484 F.3d 776, 780 (5th Cir. 2007)) ("We do not accept as true 'conclusory allegations, unwarranted factual inferences, or legal conclusions.

¹⁴ *Mustapha v. HSBC Bank USA, NA*, No. 4:11-CV-0428, 2011 WL 5509464, at *2 (S.D. Tex. 2011) (Hanks, J.) ("[A] court is not required to accept conclusory legal allegations cast in the form of factual allegations if those conclusions cannot reasonably be drawn from the facts alleged.")

¹⁵ *Iqbal*, 556 U.S. at 678–79; see also *Fernandez-Montez v. Allied Pilots Ass'n*, 987 F.2d 278, 284 (5th Cir. 1993) ("[C]onclusory allegations or legal conclusions masquerading as factual conclusions will not suffice to prevent a motion to dismiss.

allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.¹⁶ Courts have “jettisoned the [earlier] minimum notice pleading requirement.”¹⁷ The complaint must plead facts that nudge the claims “across the line from conceivable to plausible”¹⁸ because discovery is not a license to go fishing for a colorable claim.¹⁹ The complaint must allege more than the sheer possibility that a defendant acted unlawfully and more than facts merely consistent with a defendant’s liability.²⁰ The complaint must plead every material point necessary to sustain recovery, and dismissal is proper if the complaint lacks a requisite allegation.²¹ This standard aims “to determine whether the plaintiff has stated a legally cognizable claim that is plausible, [but] not to evaluate the plaintiff’s likelihood of success.”²²

B. National Do Not Call Registry

8. Phone numbers, such as Plaintiff’s cell number ending in 7311 are now permanent because of the Do-Not-Call Improvements Act of 2007, effective as of 2008. Codified in 15 U.S.C. § 6155. That statute states telephone numbers registered on the national “do-not-call” registry since the establishment of the registry, and telephone numbers registered after

¹⁶ *Iqbal*, 556 U.S. at 678

¹⁷ *St. Germain v. Howard*, 556 F.3d 261, 263 n.2 (5th Cir. 2009)

¹⁸ *Iqbal*, 556 U.S. at 680 (quoting *Twombly*, 550 U.S. at 570).

¹⁹ *Barnes v. Tumlinson*, 597 F. App’x 798, 799 (5th Cir. 2015) (citing *Marshall v. Westinghouse Elec. Corp.*, 576 F.2d 588, 592 (5th Cir. 1978)); *Iqbal*, 556 U.S. at 678–79 (“Rule 8 marks a notable and generous departure from the hyper technical, code-pleading regime of a prior era, but it does not unlock the doors of discovery for a plaintiff armed with nothing more than conclusions.

²⁰ *Covington v. City of Madisonville*, 812 F. App’x 219, 223 (5th Cir. 2020) (quoting *Iqbal*, 556 U.S. at 678)

²¹ *Rios v. City of Del Rio*, 444 F.3d 417, 421 (5th Cir. 2006); *Campbell v. City of San Antonio*, 43 F.3d 973, 975 (5th Cir. 1995)

²² *Doe ex rel. Magee v. Covington Cty. Sch. Dist. ex rel. Keys*, 675 F.3d 849, 854 (5th Cir. 2012) (quoting *Lone Star Fund V (U.S.)*, *L.P. v. Barclays Bank PLC*, 594 F.3d 383, 387 (5th Cir. 2010))

March 2003, "shall not be removed from such registry except as provided in subsection (b) or upon the request of the individual to whom the telephone number is assigned." 15 U.S.C. § 6155(a). The statute further explains that the Federal Trade Commission periodically checks the numbers on the registry and removes any that have been disconnected and reassigned to other people. 15 U.S.C. § 6155(b).

C. The Telephone Consumer Protection Act

In 1991, Congress enacted the Telephone Consumer Protection Act (hereinafter TCPA) to regulate the explosive growth of the telemarketing industry. In so doing, Congress recognized that "[u]nrestricted telemarketing . . . can be an intrusive invasion of privacy[.]" *Telephone Consumer Protection Act* of 1991, Pub. L. No. 102-243, § 2(5) (1991) (codified at 47 U.S.C. § 227).

9. To protect consumers from unwanted calls, the TCPA imposes restrictions on the use of the telephone network for unsolicited advertising by telephone and facsimile. Under the present TCPA, if the consumer's number is listed on the national Do-Not-Call Registry, prior express consent of a consumer to receive a prerecorded telemarketing call (or live telephone solicitation) must be in writing. See *Rules and Regulations Implementing the Telephone Consumer Protection Act* of 1991, CG Docket No. 02-278, Report and Order, 18 1STFCC Rcd 14014, 14043, para. 44 n.157 (2003) (2003 TCPA Order) (discussing prior express written permission required for consumers who have registered their numbers on the Do-Not-Call Registry)
10. The TCPA prohibits any person or entity of initiating any telephone solicitation to a residential telephone subscriber who has registered his or her telephone number on the National Do-Not-Call Registry of persons who do not wish to receive telephone

solicitations that is maintained by the Federal Government. 47 U.S.C. § 227(c). It is crystal clear that Plaintiff has been on the national Do Not Call List since about September 29, 2011. *P's Complaint* at Exhibit A.

11. Because Plaintiff received more than one text message/call in a 12-month period made by or on behalf of Defendant in violation of 47 C.F.R. § 64.1200(d), Network and its telemarketing agent(s) violated 47 U.S.C. § 227(c)(5). *P's Complaint* at pg. 26, para.89-93.

D. Claim has been stated under the Telephone Consumer Protection Act, et seq.

12. It is undisputed that Plaintiff is a confirmed and verified registrant on the governmental Do Not Call Registry. 47 U.S.C. § 227(c). *Id.*
13. Network, as a corporate entity, should have exercised corporate responsibility and obtained the FCC's Do Not Call list that is readily available to them and should have further scrubbed their record's for Plaintiff's cell number on the Do Not Call List. Network has had over a decade to conduct this procedure and or scrub, but Network failed in that corporate endeavor. Plaintiff has consistently told telemarketers to quit calling him, that he is on the DNC list, but that just does not matter. *P's Complaint* at pg. 28 para. 103. Of the 900 plus robo/spoofed/pre-recorded calls received by Plaintiff, there was no express consent given to Network and or their agents and or representatives to commit to a campaign of pre-recorded/spoofed robo calls. *P's Complaint* at 27, para. 96.

E. Motion to Strike Network's Affirmative Defenses if applicable and or warranted in these proceedings.

14. "Rule 12(f) permits a district court to "strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." FED. R. CIV. P. 12(f)..."
"Because striking a portion of a pleading is "a drastic remedy to be resorted to only when

required for the purposes of justice,” *Augustus v. Bd. of Pub. Instr. Of Escambia Cnty.*, Fla., 306 F.2d 862, 868 (5th Cir. 1962), and “because it is often sought by the movant as a dilatory tactic, motions under 12(f) are viewed with disfavor and are infrequently granted.”

15. A Rule 12(f) motion to strike an affirmative defense is proper when the defense is insufficient as a matter of law. *Kaiser Aluminum & Chem. Sales, Inc. v. Avondale Shipyards, Inc.*, 677 F.2d 1045, 1057 (5th Cir. 1982). What constitutes an insufficient defense depends upon the nature of the claim for relief and the defense in question. *EEOC v. First Nat'l Bank of Jackson*, 614 F.2d 1004, 1008 (5th Cir. 1980). A motion to strike should be denied if there is any disputed question of fact. *Augustus*, 306 F.2d at 868.

16. Aguilar understands that it is common for lawyers to want to plead any and all affirmative defenses in answers to complaints in order to prevent a waiver. However, the Federal Rules of Civil Procedure do not allow this tactic or the assertion of boilerplate affirmative defenses. Specifically, Rule 11 of the Federal Rules of Civil Procedure states that a lawyer who presents to the court a “pleading, written motion, and other paper” confirms “to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances” that the “claims defenses and other legal contentions are warranted by existing law” and that the “factual contentions have evidentiary support after a reasonable opportunity for further investigation or discovery.” *Fed. R. Civ. P. 11(b)(2), (3)*. If Rule 11 is violated, a lawyer may be sanctioned by the court. *See Fed. R. Civ. P. 11(c)(1), (3)*.

F. Fair Notice Standard

17. The fair notice standard requires a defendant to “plead an affirmative defense with enough specificity or factual particularity to give the plaintiff ‘fair notice’ of the defense that is being advanced.” *Rogers v. McDorman*, 521 F.3d 381, 385 (5th Cir. 2008) (quoting *Woodfield v. Bowman*, 193 F.3d 354, 362 (5th Cir. 1999). “The concern is that ‘[a] defendant should not be permitted to ‘lie behind a log’ and ambush a plaintiff with an unexpected defense.” *Id.* (quoting *Ingraham v. United States*, 808 F.2d 1075, 1079 (5th Cir. 1987).

18. [F]air notice’ is satisfied if the defense is ‘sufficiently articulated ... so that the plaintiff [is] not a victim of unfair surprise. *Woodfield*, 193 F.3d at 362). Although ... in some instances merely pleading the name of the affirmative defense may be sufficient, a ‘fact-specific inquiry’ is required to determine whether the pleadings set forth the ‘minimum particulars’ needed to ensure the plaintiff is not the victim of unfair surprise. *Woodfield*, 193 F.3d at 362.

19. Federal Rule of Civil Procedure 9’s special pleading requirements may also come into play as to certain affirmative defenses. Rule 9(c) provides that, “[i]n pleading conditions precedent, it suffices to allege generally that all conditions precedent have occurred or been performed” but that, “when denying that a condition precedent has occurred or been performed, a party must do so with particularity.” FED. R. CIV. P. 9(c).

RESPONSE’S TO NETWORK’S BOILER PLATE AFFIRMATIVE DEFENSES**G. Plaintiff’s Response to Defendant Network’s First Affirmative Defense of Consent.**

20. Network argues that “Plaintiff is barred from asserting claims in whole or in part because the calls at issue were made with prior express permission or consent.” Network

further argues that “it does not bear the burden of proof or the burden of persuasion in it’s defenses before this Court. However, Network has failed to present any evidence of it’s affirmative defense of consent. No factual and or tangible support of its first affirmative defense before this Court. Consent is an affirmative defense that Network bears the burden. Aguilar asserts in it’s verified petition that “NISHD did not have any type of consent to contact Plaintiff on a consistent and harassing basis nor any prior business relationship existed.” ***Complaint*** at pg.26. para.87. Aguilar stated to NISHD telemarketing rep’s to stop calling him, to remove from their calling lists and that Aguilar was on the national do not call registry. ***Complaint at pg. 28. Para. 103.*** Recordings exist to substantiate these claims regarding the 900 plus robo/spoofed and pre-recorded messages that Plaintiff has received as of this writing.

21. Aguilar asserts that should any question about the consent arise, the seller will bear the burden of demonstrating that a *clear and conspicuous* disclosure was provided and that unambiguous consent was obtained. Common law principles govern whether the provision of “prior express consent” to receive calls under the TCPA has occurred. *Osorio v. State Farm Bank, F.S.B.* 746 F.3d 1242, 1255 (11th Cir. 2014). (“We ... presume from the TCPA’s silence regarding the means of providing or revoking consent that Congress sought to incorporate the ‘common law concept of consent.’”).

22. Network bears the burden of proof and persuasion in their defense before this Court, Aguilar may discharge his burden by showing an absence of evidence of consent. *Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986). See also *Byers v. Dallas Morning News, Inc.*, 209 F.3d 419, 424 (5th Cir. 2000). The argument at bar, Network has failed to provide

proof and has wasted this Court's scarce judicial resources by presenting such frivolous argument and such affirmative defense should be struck and or dismissed with prejudice.

H. Plaintiff's Response to Defendant Network's Second Affirmative Defense of Established Business Relationship.

23. Network asserts in their affirmative defense that "Any and all TCPA and Texas Business & Commerce Code claims brought in the Complaint are barred by the Plaintiff's business relationships with the caller."

The Telephone Consumer Protection Act is Applicable to these proceedings.

Section § 227(b) of the Telephone Consumer Protection Act prohibits making telephone calls using "any automatic telephone dialing system or an artificial or prerecorded voice".

.. "to any telephone number assigned to a . . . cellular telephone service . . . or any service for which the called party is charged for the call" § 227(b)(1)(A)(iii).

The Federal Communications Commission promulgated 47 C.F.R. § 64.1200 under its authority to implement the Telephone Consumer Protection Act. See § 227(c). Section 64.1200(c)(2) prohibits making "telephone solicitation[s]" to "[a] residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the Federal Government." Section 64.1200(c)(2) exempts from liability a caller who "has obtained the subscriber's prior express invitation or permission" to place the call. § 64.1200(c)(2)(ii). "Such permission must be evidenced by a signed, written agreement between the consumer and seller which states that the consumer agrees to be contacted by this seller and includes the telephone number to which the calls may be placed." Id. Section 64.1200(c)(2) does not apply when the caller has an established business relationship" with the residential telephone subscriber.[1] § 64.1200(f)(15)(ii).

"established business relationship" means:..."

a prior or existing relationship formed by a voluntary two-way communication between a person or entity and a residential subscriber with or without an exchange of consideration, on the basis of the subscriber's purchase or transaction with the entity within the eighteen (18) months immediately preceding the date of the telephone call or on the basis of the subscriber's inquiry or application regarding products or services offered by the entity within the three months immediately preceding the date of the call, which relationship has not been previously terminated by either party.

"47 C.F.R. § 64.1200(f)(5)

24. Network has not established or provided any factual support to show that Plaintiff has an "established business relationship" with the nine hundred (900) spoofed/pre-recorded documented telemarketing calls that he has attached herein as Exhibit A. Such exhibit A is subject to change on a daily basis. depending on the incoming robo/spoofed and pre-recorded calls that are received daily to plaintiff; s cell number. Telemarketers are even confirming that they are calling on behalf of Network. See Exhibit A at Sub-Exhibit, 733, 751, 754, 776, 782, 818, 825, 828, 836 & 856.

For these reasons, Network has failed to carry it's burden or advance this meritless theory that Plaintiff has an established business relationship with 900 plus telemarketers that have called plaintiff's cell number on a percentage on behalf of Network.

I. Plaintiff's Response to Defendant Network's Third Affirmative Defense of Acquiescence, Ratification, Estoppel, Waiver.

25. Network asserts the affirmative defense of Acquiescence, Ratification, Estoppel, Waiver. Under each of these defenses, if a plaintiff knowingly takes an action in contravention of its rights, it cannot exercise those rights in a subsequent suit.²³

²³ *Kaneb Servs., Inc. v. Fed. Sav. & Loan Ins. Corp.*, 650 F.2d 78, 81 (5th Cir. 1981) ("[U]nder the doctrine of equitable estoppel a party with full knowledge of the facts, which accepts the benefits of a transaction . . . may not subsequently take an inconsistent position to avoid the corresponding obligations or effects."); *Long v. Gonzales*, 420 F.3d 516, 520 (5th Cir. 2005) ("Waiver is an intentional relinquishment or abandonment of a known right or privilege."); *Capece*, 141 F.3d at 206

Network's affirmative defense should be stricken regarding Acquiescence, Ratification, Estoppel, Waiver because the assorted defenses are so vague to satisfy the federal pleading standard. *Ingraham*, 808 F.2d at 1079.

J. Plaintiff's Response to Defendant Network's Fourth Affirmative Defense of Unclean Hands

26. Network asserts that "Plaintiff is barred from asserting claims, in whole or in part, by the doctrine of unclean hands and *in pari delicto*." Network contends that "Plaintiff cannot assert claims under the TCPA or the Texas Business & Commerce Code if he acted in bad faith by providing the subject telephone number referenced in the Complaint in order to receive calls. Plaintiff invited the calls on which he now claims Defendants are liable."

27. Plaintiff moves to strike Defendants' unclean hands affirmative defense. Like estoppel, unclean hands is an equitable defense that must be pleaded with the specific elements required to establish it. *T-Mobile USA, Inc. v. Wireless Exclusive USA, LLC*, No. 3:08-CV-0340-G, 2008 WL 2600016, at *2 (N.D. Tex. July 1, 2008)(citing *Reis Robotics USA, Inc. v. Concept Industries, Inc.*, 462 F.Supp.2d 897, 907 (N.D. Ill. 2006)) The doctrine of unclean hands applies to a litigant whose own conduct in connection with the same matter or transaction has been unconscientious, unjust, marked by a want of good faith or violates the principles of equity and righteous dealing." *Janes v. Watson*, No. SA-05-CA-0473-XR, 2006 WL 2322820, at *16 (W.D. Tex. Aug. 2, 2006). In order for the defense to apply, the plaintiff's misconduct must be "directly related to the merits of the controversy between the parties" and must "in some measure affect the equitable relations between the parties in respect of something brought before the court for

("[A]acquiescence involves the plaintiff's implicit or explicit assurances to the defendant which induce reliance by the defendant.")

adjudication.” *Mitchell Bros. Film Group v. Cinema Adult Theater*, 604 F.2d 852,863 (5th Cir. 1979), cert. denied, 445 U.S. 917 (1980). Moreover, “[t]he alleged wrongdoing of the plaintiff does not bar relief unless Network can show that they have personally been injured by the plaintiff’s conduct.” *Id.* In this case, the only alleged wrongful conduct identified by Network is that that Plaintiff *allegedly* provided his cell number to an unknown party or entity to receive a barrage of spoofed and or pre-recorded artificial voice telemarketing robo calls. Plaintiff asserts that he did not provide his cell number to any of the 900 plus telemarketers and or agents for Network at any instance. To the best of Plaintiff’s ability to recollect, plaintiff did provide his personal information to Network’s agent to discover who the TCPA violator was. P’s Complaint at pg. 27, para. 98-100. Plaintiff has been on a Do Not Call list since 2011. See *P.s Complaint* Ex. A. Network fails to plead any facts demonstrating that this alleged conduct could possibly affect the merits of this present action. Defendant have not identified any “injury” suffered by them as a result of Plaintiff’s alleged wrongful conduct. In summary, the unclean hands defense is insufficiently pleaded, and should be stricken. *Wesler*, 2021 WL 4053415, at *8(striking affirmative defense of unclean hands where defendant failed to describe the conduct giving plaintiff “unclean hands.”

28. Moreover, Network contends that the *in pari delicto* defense is attributable to plaintiff’s actions. Such doctrine embodies “the common-law notion that a plaintiff’s recovery may be barred by his own wrongful conduct, and is undergirded by the concerns, first; that courts should not lend their good offices to mediating disputes among wrongdoers; and second, that denying judicial relief to an admitted wrongdoer is an effective means of deterring illegality.” *Rogers v. McDorman*, 521 F.3d 381, 385 (5th Cir.2008). A court will

not extend aid to either of the parties to a criminal act or listen to their complaints against each other but will leave them where their own acts have placed them. In *pari delicto* is an equitable, affirmative defense, which is controlled by state common law. *Pinter v. Dahl*, 486 U.S. 622, 632, 108 S.Ct. 2063, 100 L.Ed.2d 658 (1988).

29. Network has not provided no factual support on how the Plaintiff is a wrongdoer and or barred under the *in pari delicto* defense. Plaintiff asserts that he has committed no wrongs in seeking relief from the non-stop intrusive and aggravating robo calls that he receives daily as evidenced by Exhibit A herein.

30. Defendant has not articulated any wrong doing or overt misleading facts and or incidents that Network has detrimentally relied upon.

31. Plaintiff moves the Court to strike this affirmative defense that defendants have before this Court.

K. Plaintiff's Response to Defendant Network's Fifth Affirmative Defense of No Mitigation.

32. Network argues that Plaintiff failed to mitigate his damages. Plaintiff asserts that courts have found a plaintiff does not have a duty to mitigate damages under section 227 of the TCPA. *Powell v. West Asset. Mgmt*, 773 F.Supp.2d 761, 764 (N.D. 2011). Several courts have found that there is no duty to mitigate statutory damages in TCPA cases. *Holtzman v. Turza*, No. 08 C 2014, 2010 WL 3076258 at 5 (N.D. Ill, Oct. 29. 2010); *Fillichio v. M.R.S. Associates, Inc.* No. 09-612629-CIV, 2010, WL 4261442, at 5 (S.D. Fla. Oct 19, 2010). The TCPA does not expressly include a duty of callees to mitigate the statutorily-prescribed damages by answering or returning telephone calls received from automatic dialing machines and informing the calling entity that it has the incorrect number. *Powell v. W. Asset Mgmt.* at 764.

33. The TCPA is a remedial statute passed to protect consumers from unwanted automated telephone calls and messages and should be construed in accordance with that purpose.

Gager v. Dell Fin. Servs. LLC, 727 F.3d 265, 271 (3rd Cir. 2013).

34. Assuming *arguendo*, that there was a duty to mitigate damages under the TCPA, Network has failed to allege any facts to support such defense and, therefore, such defense should be properly stricken at the very least without prejudice.

Plaintiff's Response to Defendant Network's Sixth Affirmative Defense of No Willful or Negligent Misconduct; Not Treble or Increased Damages

35. Network asserts a defense that "Any claim for treble or increased damages is barred because NETWORK did not engage in knowing or willful misconduct."

36. When a plaintiff succeeds on a TCPA claim, he can recover the greater of actual damages or \$500 for each violation of §227(b)(1)(A). *Cunningham v. TechStorm*, No.3:16-cv-2879,2018WL3118400, at *5 (N.D. Tex. May 29, 2018) (citing 47U.S.C. §227(b)(3)). The TCPA permits a plaintiff to "recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation," which may be increased "not more than 3 times "if a court finds that "the defendant willfully or knowingly violated this subsection." 47 U.S.C. §227(b)(3)(B). A willful or knowing violation does "not require bad faith, but only that the person have reason to know, or should have known, that his conduct would violate the statute. *Cunningham v. Air Voice*, No. 4:19-cv-96, 2020 WL 9936139, at *7 (E.D. Tex. Feb. 14, 2020); see also *Texas v. Am. Blastfax, Inc.*, 164 F.Supp.2d 892,899 (W.D.Tex.2001).

This defense that Network raises is better suited for the jury to determine.

L. Plaintiff's Response to Defendant Network's Seventh Affirmative Defense of No Proximate Cause

37. Defendant asserts that "NETWORK did not proximately cause any damages, injury, or violation alleged in the Complaint. Instead, the acts of third parties (such as vendors, Plaintiff, or other persons who provided the numbers on which Plaintiff was allegedly called) proximately caused the damages, injuries, or violations at issue, to the extent they occurred."

38. Upon information and belief, the telemarketing agents and or sales people were acting upon the direction or on behalf of Network's direction when placing telemarketing calls to plaintiff. These telephone calls made to plaintiff were part of a telemarketing campaign that Network ordered. Network directed and or ordered a telemarketing campaign. It's agent(s) kept calling/harassing/intruding on Plaintiff's privacy daily. *P's Complaint* at pg. 28, para.103-104. Regardless of the fact that Plaintiff stated to Network's agent to stop calling. Exhibit A, # 7, 22,36, 62, 70, 75, 137,155, 179 etc. An agent for Network even threatens to call Plaintiff 600 times in a day at Exhibit A 194. *Id.*

M. Plaintiff's Response to Defendant Network's Eighth Affirmative Defense of No Standing

39. Network asserts an unsound theory that "Any and all claims brought in the Complaint are barred because Plaintiff lacks standing let alone alleging any factual support other than conclusions to show that NETWORK had any relationship with any responsible third."

40. To establish the constitutional minimum for standing under Article III, Aguilar must have an injury in fact; that injury must be traceable to the challenged conduct (TCPA Violation) of Network; and a favorable judgment must be likely to redress that injury. *Lujan*

v. Defenders of Wildlife, 504 U.S. 555, 560 (1992). To establish injury in fact, Aguilar must show she suffered “an invasion of a legally protected interest that is concrete and particularized.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016). Without receiving any pre-trial discovery from Network at this juncture, and, to show that Network is very much complicit in the TCPA violations that they have caused upon Aguilar, the Fifth Circuit Court of Appeals had held in its evaluation of a TCPA plaintiff’s standing and has held that the mere nuisance arising out of an unsolicited text (which is also considered a call for TCPA purposes) advertisement is enough to satisfy Article III’s requirements. *Cranor v. Star Nutrition, L.L.C.*, 998 F.3d 686, 689–91 (5th Cir. 2021). Aguilar alleges this same injury—the nuisance of receiving unwanted solicitation calls, voicemails, and text messages he did not consent to. *P’s Complaint* at pg. 25-26, para. 82, 86, & 96. Many times Aguilar stated to the heavily accented telemarketing reps to stop calling, but the barrage of spoofed/pre-recorded artificial robo calls continued daily. Pg. 28 at para.103 *Id.* For these reasons, Network’s defense herein must fail.

N. Plaintiff’s Response to Defendant Network’s Ninth Affirmative Defense of No Agency or Vicarious Liability and Proportional Allocation of Fault

41. Network attempts to advance a bare-bones theory, in that “Any damages, injury, violation, or wrongdoing alleged in the Complaint was caused by third parties or Plaintiff for which NETWORK cannot be held vicariously liable.”

42. Theories of direct and vicarious liability are both cognizable under the TCPA.” *Cunningham v. Politi*, 2019 WL 2519568, at *5 & n.11 (E.D. Tex. Apr. 30, 2019) (noting that the Supreme Court adopted an FCC ruling applying federal common law principles of agency to TCPA violations under a theory of vicarious liability). A plaintiff may use either theory to base a claim under § 227(b) or § 227(c). See *Cunningham v. Nationwide Sec.*

Sols., Inc., 2017 WL 10486988, at *2 (N.D. Tex. Nov. 2, 2017) (§ 227(b)); *204S6TH LLC*, 2022 WL 1110354, at *7 (§ 227(c)).

43. Under the TCPA, direct liability is found when an entity (like Network) “initiates” a telephone call. See In re Joint Petition filed by *Dish Network, LLC*, 28 F.C.C. Rcd. at 6582 ¶ 24 (2013) (“[W]e clarify that a seller is not directly liable for a violation of the TCPA unless it initiates a call, but [the seller] may be held vicariously liable under federal common law agency principles for a TCPA violation by a third-party telemarketer.”). “Initiating” a telephone call means that the entity “takes the steps necessary to physically place a telephone call.” *Cunningham v. Lifestyles Dev., LLC*, 2019 WL 4282039, at *3 (E.D. Tex. Aug. 8, 2019).

44. Network may also be vicariously liable for violations by third parties under the TCPA. “[A] defendant may be held vicariously liable for TCPA violations where the plaintiff establishes an agency relationship . . . between the defendant and a third-party caller.” *Gomez v. Campbell-Ewald Co.*, 768 F.3d 871, 879 (9th Cir. 2014); see *Politi*, 2019 WL 2519568, at *6. An agency relationship exists where a principal “manifests assent to [an agent] . . . that the agent shall act on the principal's behalf and subject to the principal's control.” *Lifestyles Dev., LLC*, 2019 WL 4282039, at *4 (quoting Restatement (Third) of Agency § 1.01 (Am. L. Inst. 2006)). “Agency is typically a factual issue, with the plaintiff at the pleading stage only required to allege a factual basis that gives rise to the inference of an agency relationship through the use of generalized as opposed to evidentiary facts.” *Politi*, 2019 WL 2519568, at *6 (quoting *Mauer v. Am. Intercontinental Uni., Inc.*, 2016 WL 4651395, at *2 (N.D. Ill. Sept. 7, 2016)). “Three theories of agency could support a

claim for vicarious liability: (1) actual authority; (2) apparent authority; and (3) ratification.” *Lifestyles Dev., LLC*, 2019 WL 4282039, at *4.

45. It can be established further in this case and upon pre-trial discovery that Plaintiff was subjected to TCPA violations by Network and its telemarketing agents – therefore, Network can be held vicariously liable for the TCPA violations it has caused upon the Plaintiff. *P’s Complaint* at pg. 25-26, para.86-87.

Network raises the defense of proportional allocation of fault in these proceedings. Based on the unlawful conduct that occurred in Plaintiff’s State, Texas state law governs all substantive legal questions. To prevail on a negligence claim under Texas law, a plaintiff must establish each of the following elements by a preponderance of the evidence: (1) that the defendant owed the plaintiff a specific duty; (2) that the defendant breached that duty; (3) that the breach caused the plaintiff’s injuries; and (4) that the plaintiff suffered damages as a result of his injuries. *West Invs. Inc. v. Urena*, 162S.W.3d 547, 550 (Tex. 2005)

46. If Network can prove that plaintiff’s own negligent conduct contributed to his injuries by more than fifty percent, the plaintiff is barred from recovering any damages from Network. Tex. Civ. Prac. & Rem.Code § 33.001. If the plaintiff’s degree of contributory negligence is less than fifty percent, his recovery is simply reduced by his own proportional percentage of negligence. Tex. Civ. Prac. & Rem.Code § 33.012. Similarly, Network be liable only for the portion of the plaintiff’s injuries that reflect that defendant’s percentage of responsibility, unless Network is more than fifty percent responsible. Tex. Civ. Prac. & Rem. Code §33.013. Finally, Texas law also takes into account any responsible third-parties who, while not considered liable, are still

considered for purposes of calculating percentage of fault among all the parties. Tex. Civ. Prac. & Rem. Code § 33.003. A responsible third-party is any person who is alleged to have caused or contributed to causing in any way the harm for which recovery of damages is sought, whether by negligent act or omission[or] by other conduct or activity that violates an applicable legal standard or by any combination of these. Tex. Civ. Prac. & Rem. Code § 33.011(6).

47. As with damages of every kind, an injured party has a duty to mitigate his damages and cannot recover those that could have been avoided had the injured party made an effort to mitigate his losses as a person of ordinary prudence under similar circumstances would have done. *Pinson v. Red Arrow Freight Lines, Inc.*, 801 S.W.2d 14,15 (Tex. App.—Austin 1990, no writ). However, the burden of proof as to whether the injured party failed to mitigate, and the degree to which that failure increased damages, is on the party that caused the loss. *Id.* at 16. In this instance, Network, which at this point, have failed to provide any factual support demonstrating they did not cause any damages upon Plaintiff.

48. This should be an issue for the jury to determine at trial. At this point. Network has failed to carry its persuasion that Plaintiff contributed to the robo/spoofed calls and pre-recorded messages that were made on their behalf by telemarketer's that Network directed.

O. Plaintiff's Response to Defendant Network's Tenth Affirmative Defense of Residential Number

49. Network attempts to advance another frivolous defense that "Plaintiff's claims are barred to the extent his telephone number is not residential."

50. FCC has explicitly determined that the DNC Registry applies to cellphone numbers. See 47 C.F.R. § 64.1200(e); see also In re Rules & Regs. Implementing the Tel. Consumer

Prot. Act of 1991, 18 F.C.C. Rcd. 14014, 14039, ¶ 36 (F.C.C. 2003) (“[W] will presume wireless subscribers who ask to be put on the national do-not-call list to be ‘residential subscribers.’”). Consistent with this legislative authority, courts have repeatedly recognized the protections afforded to wireless numbers by the TCPA and the DNC Registry. *Barton v. Temescal Wellness, LLC*, 525 F. Supp. 3d 195, 201–02 (D. Mass. 2021); *Hand v. Beach Ent. KC, LLC*, 456 F. Supp. 3d 1099, 1120 (W.D. Mo. 2020); *Mestas v. CHW Grp. Inc.*, 508 F. Supp. 3d 1011, 1028 (D.N.M. 2020). Plaintiff originally obtained this cell number that makes the basis of this lawsuit, when he signed a contract with T-Mobile many years ago and is used for personal, keeping in contact with his children and household uses. P’s Complaint at pg. 25, para. 84.

Network has failed to carry it’s burden in establishing or providing any factual support that Plaintiff cell number is not a residential subscriber. For these reasons, this defense should be stricken with Prejudice.

P. Plaintiff’s Response to Defendant Network’s Eleventh Affirmative Defense of Reasonable Practices and Procedures

51. Network attempts a hail Mary pass with another feeble assertion that “Any and all claims brought in the Complaint are barred in whole or in part because Defendant has established and implemented reasonable practices and procedures to prevent violations of the TCPA and related regulations, as well as the Texas Business & Commerce Code.”

Network’s present defense herein cannot pass muster in such that they have wholly failed to demonstrate any practice and or procedure that would bar Plaintiff from asserting his federal causes of action herein. There is no iota of factual evidence submitted or attached herein that reflect Network’s telemarketing do not call compliances, practices and or procedures. Network has the burden to show this defense and plead with some form of

particularity. Fed. R. Civ. P. Rule 9(c). For these reasons, this defense must fail and be dismissed with prejudice and wasting this Court's time with this ill-attempt defense.

Q. Plaintiff's Response to Defendant Network's Twelfth Affirmative Defense Bona Fide Error

52. Network, without losing stride of frivolous theories of dismissal asserts that "Any and all claims brought in the Complaint are barred in whole or in part because, to the extent there was any violation of the TCPA or Texas Business & Commerce Code, and related regulations (which is denied), any such violations were not intentional and resulted from bona fide error."

53. The present defense submitted here before this Court, must fail wholly, in that Network has failed to even provide a declaration at the very least stating that they maintain ongoing training and testing to ensure compliance with the TCPA and done daily or weekly. Plaintiff asserts that if the bona fide error defense is to have any meaning in the context of a strict liability statute, then a showing of procedures reasonably adapted to avoid any such error should be provided herein. The procedures themselves must be explained, along with the manner in which they were adapted to avoid the error. Network has this burden to show some particularity in this defense plead. Fed. R. Civ. P. 9(c).

54. For these reasons, Network's defense must fail and be stricken and dismissed with prejudice.

R. Plaintiff's Response to Defendant Network's Thirteenth Affirmative Defense of Substantial Compliance

55. Network dramatically asserts that they are "not liable to Plaintiff because NETWORK acted reasonably and with due care and substantially complied with all applicable statutes, regulations, ordinances, and/or other laws."

56. Network by no reason of substantial compliance could have complied with the defense of substantial compliance in directing its telemarketers and or agents not to call Plaintiff on his cell phone number. Upon information and belief, and subject to pre-trial discovery, Network directed and or provided plaintiff's cell phone information to their telemarketers to call Plaintiff who was on the national Do Not Call List. Network had failed to scrub its do not call lists. Moreover, Network has failed to obtain the FCC's Do Not Call List where Plaintiff's cell number, as of date, still reflects in the FCC's Do Not call registry. See *P's Complaint* at Ex. A. Network's telemarketing agents continue in calling Plaintiff's cell number and admitting being part of Network organization. The recordings are very clear and concise. See Exhibit A at 733, 754, 756, 776, 781, 782, 818, 828, 836, 856, 930.

S. Plaintiff's Response to Defendant Network's Fourteenth Affirmative Defense of FCC Exceeding Delegated Authority

57. Network contends that "Plaintiff's TCPA claims are barred to the extent they are based on regulations or rulings that exceed the FCC's delegated authority. Nor can the Hobbs Act be validly or constitutionally applied to preclude NETWORK from raising defenses to an action arising under the TCPA or rules and regulations promulgated thereunder."

58. Under the Hobbs Act, the courts of appeal "ha[ve] exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part) or to determine the validity of . . . final orders of the Federal Communications Commission made reviewable" by 47 U.S.C. 402(a). *PDR Network" LLC v. Carlton & Harris Chiropractic. Inc.*, 139 S. Ct. 2051,2055 (2019).

59. The Hobbs Act mandates that this Court apply to this case the FCC's interpretations of the TCPA as they exist today. See, e.g., *Morse v. Allied Interstate, LLC*, 65 F. Supp. 3d 407, 412 (M.D. Pa. 2014) ("Because the Hobbs Act prevents this Court from questioning the validity of past FCC Orders, they will be applied."); *Murphy v. DCI Biologicals*

Orlando, LLC, No. 12-1459, 2013 WL 6865772, at *6 (M.D. Fla. Dec. 31, 2013) (“This means that, if the Court determines the Hobbs Act to be applicable to this case, the Court is bound to apply the definition of ‘express consent’ from the 1992 FCC Order to this matter.”), *aff’d*, 797 F.3d 1302 (11th Cir. 2015).

60. The Hobbs Act, 28 U.S.C § 2342(1), and the Federal Communications Act, 47 U.S.C. § 402(a), operate together to restrict district courts from invalidating certain actions by the FCC. This court should accept as valid the 2015 FCC Ruling as a “final order” for purposes of 28 U.S.C. § 2342(1) because it was the agency’s final decision interpreting the “prior express consent” provision of the TCPA, and it determines legal rights and obligations. . . . However, the matters of interpreting and applying the FCC’s rulings remain within the province of the court. *Cartrette v. Time Warner Cable, Inc.*, 157 F. Supp. 3d 448, 452-53 (E.D.N.C. 2016).

For these reasons, Network has failed to carry its burden in demonstrating this affirmative defense without any factual support that the instant claims are barred.

T. Plaintiff’s Response to Defendant Network’s Fifteenth Affirmative Defense of First Amendment

61. Network asserts in their defense that “The TCPA and the regulations and rules promulgated thereunder, violate the First Amendment of the United States Constitution, including by imposing content-based restrictions on speech that fail to withstand strict scrutiny.”

62. Congress enacted the TCPA in 1991 to prevent robocalls from invading the privacy of American homes. Widespread adoption of cell phones has made the harm caused by unwanted automated calls even more acute. Cell phones have become practically an appendage, and unwanted calls can now invade every aspect of a person’s life. New

automated dialing technologies have made it easier than ever for marketers, scammers, and others to call thousands of phones with the click of a button, which in these times, is called the dashboard. Just like Network's telemarketer's utilize when calling plaintiff cell number on Network's behalf using and or facilitating the VoIP services from co-defendants Bandwidth, Onvoy and Peerless herein to make nine hundred (900) spoofed, pre-recorded intrusive robo calls to this litigant this year. P's Complaint at pg. 25-26, para. 86 – 91. In crafting a solution, Congress focused on the use of "autodialers" and prerecorded messages that enable companies to send a large volume of calls quickly and inexpensively. Senator Hollings emphasized that "owning a telephone does not give the world the right and privilege to assault the consumer with machine generated telephone calls." 137 Cong. Rec. 9,840 (1991) (statement of Sen. Hollings). At the time, autodialers had the capacity to call 1,000 phones per day. H. Rep. 102-317, at 10. Evidence presented to Congress showed that consumers "consider automated or prerecorded telephone calls, regardless of the content or the initiator of the message, to be a nuisance and an invasion of privacy." TCPA § 2(10). Consumers were "outraged over the proliferation of intrusive, nuisance calls to their homes from telemarketers." TCPA § 2(5).

63. Congress determined that consumers should not bear the burden of avoiding automated calls, TCPA § 2(11), and that banning such calls was "the only effective means of protecting telephone consumers from this nuisance and privacy invasion." TCPA § 2(12). Congress clearly found that the government has a significant and legitimate interest in protecting the privacy of telephone subscribers from unwanted automated calls—and every court to consider the issue has agreed. Even the groups who first challenged the constitutionality of the TCPA did "not challenge the government's significant interest in residential privacy"

and did not “dispute that curbs on telemarketing advance that interest.” *Moser v. FCC*, 46 F.3d 970, 974 (9th Cir.), cert. denied, 515 U.S. 1161 (1995). The United States Supreme Court has long “recognized that ‘[p]reserving the sanctity of the home, the one retreat to which men and women can repair to escape from the tribulations of their daily pursuits, is surely an important value.’” *Frisby v. Schultz*, 487 U.S. 474, 484 (1988) (quoting *Carey v. Brown*, 447 U.S. 455, 471 (1980)). Unwanted robo calls, pre-recorded messages and spoofed calls, are like intruders in the home, and “in the privacy of the home . . . the individual’s right to be left alone plainly outweighs the First Amendment rights of the intruder.” *FCC v. Pacifica Found.*, 438 U.S. 726, 748 (1978).

64. Network contends that TCPA rules and regulations impose content based free speech restrictions. Plaintiff’s case does not involve political speech. In a content based commercial setting, commercial speech would receive less constitutional protection. *Cf. Va. State Bd. Of Pharmacy v. Citizens Consumer Council*, 425 U.S. 748 (1973).

65. Strict scrutiny is the highest standard of review which a court will use to evaluate the constitutionality of governmental discrimination. The other two standards are intermediate scrutiny and rational basis.

66. Americans use their phones for many everyday tasks, which robocalls routinely interrupt. An estimated 81% of Americans own a smartphone. *Pew Research Center, Mobile Fact Sheet* (June 12, 2019). Mobile applications, or “apps,” offer “a range of tools for managing ... all aspects of a person’s life. *Riley v. California*, 573 U.S. 373, 385 (2014). Cell phones are “such a pervasive and insistent part of daily life that the proverbial visitor from Mars might conclude that they were an important feature of human anatomy.” *Id.*

67. Network attempts to navigate this Court down a rabbit trail with this affirmative defense. Assuming, that Network is seeking to rely on a recent ruling in the U.S. Supreme Court case *Barr v. American Association of Political Consultants, Inc.*, 140 S. Ct. 2335, 2347 (2020), would not be applicable herein. The subject of the Supreme Court’s First Amendment analysis in *Barr* was the government-debt exception—not section 227(b)(1)(A)(iii)’s entire prohibition on robocalls to cell phones. The Court reasoned that the “justification for the government-debt exception is collecting government debt” and that, while the exception represents a “worthy goal,” it does not pass strict scrutiny. The Court rejected the argument that the entire robocall provision, section 227(b)(1)(A)(iii), was unconstitutional and invalid in its entirety. The Court “disagreed with plaintiffs’ ... argument for holding the entire 1991 robocall restriction unconstitutional” and held only “that the 2015 government-debt exception created an unconstitutional exception to the 1991 robocall restriction.” *Id.* at 2349.

In a separate opinion, Justices Gorsuch and Thomas, concurring in the judgment in part and dissenting in part, took aim at the entire robocall ban. They reasoned that the justification for the robocall ban (not the government-debt exception) failed strict scrutiny and concluded that “the challenged robocall ban unconstitutionally infringed on [plaintiffs’] speech.” *See id.* at 2364-65

For these reasons, Networks affirmative defense must fail in all aspects.

U. Plaintiff’s Response to Defendant Network’s Sixteenth Affirmative Defense of One Call

68. Network asserts that “Any and all DNC-related claims brought in the Complaint are barred in whole or in part to the extent Plaintiff did not receive more than one telephone call within any 12-month period by or on behalf of NETWORK.

Network argues that Plaintiff's claims under the TCPA are barred because he cannot establish that he received "more than one" uninvited telephone solicitation within a 12-month period by or on behalf of Network, for purposes of Plaintiff's do-not-call-registry claim. 47 U.S.C. § 227(c)(5). This argument is without merit. The TCPA's prohibition on solicitations to numbers on the national do-not-call registry requires "express" consent of the telephone subscriber for consent to constitute an affirmative defense to the caller's liability. See 47 C.F.R. § 64.1200(c)(2)(ii) ("Any person or entity making telephone solicitation (or on whose behalf telephone solicitations are made) will not be liable for violating this requirement if . . . [i]t has obtained the subscriber's prior express invitation or permission."). This consent, however, must be in writing to be valid. *Id.* Such permission must be evidenced by a signed, written agreement between the consumer and seller and includes the telephone number to which the calls may be placed .

Network has not satisfied this one call telephone burden. Moreover, Plaintiff can attribute calls made on Networks behalf in pertinent part at Exhibit A:

Call No. 363 – Plaintiff mentions Network and agent hangs up – recorded.
Call No. 388 – Telemarketer admits to being part of Network – recorded.
Call No.733 – Telemarketer admits to being part of Network – recorded
Call No.751 – Telemarketer admits to being part of Network – recorded
Call No.754 – Telemarketer admits to being part of Network – recorded
Call No.756 – Telemarketer admits to being part of Network – recorded
Call No.760 – Plaintiff mentioned Joe Orisini & Network – telemarketer hung up.
Call No.764 – Plaintiff mentioned Network – agent hung up – recorded
Call No.769 – Plaintiff mentioned Network – agent hung up – recorded
Call No.776 – Agent admits to calling for Network's behalf. – recorded
Call No.818 – Agent admits being part of Network – recorded.
Call No.825 – Agent admits to being part of Network – recorded.
Call No.827 – Agent admits Plaintiff's # is blacklisted and part of Network - recorded.

69. Upon further pre-trial discovery in these proceedings, it should be discovered that telemarketers made a slew of calls to plaintiff cell number, on Network's behalf, in violation of the TCPA.

V. Plaintiff's Response to Defendant Network's Seventeenth Affirmative Defense of Adequate Remedy at Law

70. Network asserts that "The Complaint fails to state a claim for injunctive relief because Plaintiff has an adequate remedy at law. For example, the TCPA provides for statutory penalties of \$500.00 to \$1,500.00 per call, or monetary compensation for actual damages."

71. The TCPA permits a plaintiff to bring "an action based on a violation of the statute or the regulations prescribed under the statute to enjoin such violation. 47 U.S.C. 227(b)(3)(A).

72. This present defense that Network presents is too vague to satisfy the federal pleading standard and is confusing as to make a proper response.

W. Plaintiff's Response to Defendant Network's Eighteenth Affirmative Defense of Arbitration

73. Defendant presents a theory for dismissal. It argues that Plaintiff's claims are barred by the unsupported assumption or factual support that these present claims are barred by arbitration.

74. In determining whether to compel arbitration, a court must inquire whether "(1) [there is] a valid agreement to arbitrate the claims and (2) the dispute in question falls within the scope of that arbitration agreement." *Sherer v. Green Tree Servicing LLC*, 548 F.3d 379, 381 (5th Cir. 2008). Arbitration is an itemized affirmative defense under Rule 8(c), mere existence of a arbitration clause is not a defense. *Demsey & Assocs v. S.S. Sea Star*, 461 F.2d 1009, 1017 (2d Cir. 1972). Network should move for a stay of action pending

arbitration as soon as possible, but for some reason it cannot do so. This defunct defense should be stricken and dismissed with prejudice.

X. Plaintiff's Response to Defendant Network's Nineteenth Affirmative Defense of Due Process

75. Network attempts to advance another unsound theory, however, this affirmative defense is void and or unclear whether Network is advancing a Fourteenth Amendment violation of Due Process under the 14th Amendment to the United States Constitution and whether such due process violation is substantive and or procedural. Since the TCPA damages are statutory in nature and Plaintiff assumes that Network is asserting such a constitutional defense as to due process in that nature, it has been held that "A statutory penalty violates due process 'only where the penalty prescribed is so severe and oppressive as to be wholly disproportioned to the offense and obviously unreasonable.' *St. Louis, Iron Mt. & S. Ry. Co. v. Williams*, 251 U.S. 63, 67, 40 S.Ct. 71, 73, 64 L.Ed. 139 (1919). Plaintiff asserts that upon pre-trial discovery and depositions, it will be shown at jury trial that Network is guilty of violations of the TCPA.

76. At this juncture. Plaintiff can neither advance a more thorough constitutional response to Network's defense and does not have sufficient fair notice as to this affirmative defense that Network seeks to advance before this Court. *McDorman*, 521 F.3d at 385

Y. Plaintiff's Response to Defendant Network's Twentieth of Affirmative Defense of Policies and Procedures

77. Network asserts in this affirmative defense that "Plaintiff's Complaint, and the purported causes of action set forth therein, are barred by the TCPA's "Safe Harbor" provisions. 47 U.S.C. §227(c)(5)(C)."

78. Network cannot discharge its burden that it seeks by the safe harbor defense before this Court. This defense should be stricken because the asserted defense is too vague to

satisfy the federal pleading standard, *McDorman*, 521 F.3d at 385, especially since Network (1) has not even indicated or provided factual support whether Plaintiff consented to the 900 plus robo calls as exhibited in his Exhibit A attached herein; (2) Network's TCPA compliance procedures were sufficient in providing a safe harbor's defense herein; (3) any type of process used to prevent plaintiff's number from being called; (4) any process or routine business practices that is used to not call cell number's on the DNC list. Network has failed to provide any factual support that any of the 900 plus robo calls listed on Exhibit A were made in error.

Z. Plaintiff's Response to Defendant Network's Twenty-First Affirmative Defense of No Private Cause of Action

79. Network contends that "In Count II of Plaintiff's Complaint, he alleges a violation of the Texas Business and Commerce Code §§302.101 and 302.302. The Texas Business & Commerce Code §302.101 and §302.302 do not provide for a private cause of action."

80. Section 227(c)(5) of the TCPA provides a private cause of action where an individual or entity: (1) initiated any "telephone solicitation" (2) to Plaintiff's telephone number (3) on the Do Not Call Registry, a national database of consumers who object to receiving "telephone solicitations." 47 U.S.C. §227(c)(5); 47 C.F.R. §64.1200(c); Pub.L.No.102-243, 105 Stat.2394 at §3. The term "telephones solicitation" in the TCPA means "the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, but such term does not include a call or message (A) to any person with that person's prior express invitation or permission, (B) to any person with whom the caller has an established business relationship, or (C) by a tax exempt nonprofit organization." 47 U.S.C. §227 (a)(4); 47 C.F.R. §64.1200(f)(14).

81. The U.S. Supreme Court held in *Mims v. Arrow Fin. Svcs., LLC*, 565 U.S. 368, 373 (2012) that the TCPA grants a private right of action to individuals “based on a violation of [§ 227(b)] or the regulations prescribed under [§ 227(b)].” 47 U.S.C. § 227(b)(3). Even one instance of a violation of § 227(b) is actionable in the Fifth Circuit. *Cranor v. 5 Star Nutrition, L.L.C.*, 998 F.3d 686, 689-91 (5th Cir. 2021).

82. Section 302.101 of the Texas Business and Commerce Code provides that “[a] seller may not make a telephone solicitation from a location in [Texas] or to a purchaser located in [Texas] unless the seller holds a registration certificate for the business location from which the telephone solicitation is made.” § 302.101(a). Section 305.053 provides that “[a] person who receives a communication that violates 47 U.S.C. Section 227, a regulation adopted under that provision, or Subchapter A may bring an action in this state against the person who originates the communication for: (1) an injunction; (2) damages in the amount provided by this section; or (3) both an injunction and damages.” § 305.053(a).

83. It is plaintiff’s limited understanding that Chapter 302 of the Texas Business and Commerce Code. Texas law provides that “[a] person who violates [Chapter 302] is subject to a civil penalty of not more than \$5,000 for each violation” and that “the party bringing the action also is entitled to recover all reasonable costs of prosecuting the action, including court costs and investigation costs, deposition expenses, witness fees, and attorneys’ fees.” Tex. Bus. & Com. Code § 302.302(a), (d).

"Section 305.053 provides a state private cause of action for a violation of the TCPA. Under this section:

"(a) A person who receives a communication that violates 47 U.S.C. Section 227, a regulation adopted under that provision, or Subchapter A1 may bring an action in this state against the person who originates the communication for:

- (1) an injunction;
- (2) damages in the amount provided by this section; or;
- (3) both an injunction and damages

84. Tex. Bus. & Com. Code § 305.053(a). Section 305.053 proscribes only that conduct which is also prohibited by the TCPA. If no violation of the TCPA exists, there is no violation of Tex. Bus. & Com. Code § 305.053(a). *Alpha Cash Buyers II*, 2022 WL 562761, at *5 (quoting *Cherkaoui v. Santander Consumer USA, Inc.*, 32 F.Supp.3d 811, 815 (S.D. Tex. 2014)).

Z.1 Plaintiff's Response to Defendant Network's Twenty-Second Affirmative Defense of Seeks a Remedy – Not a Cause of Action

85. Network asserts that within Plaintiff's Complaint, "Count IV seeks actual damages alleged intentional infliction of mental anguish and/or emotional distress for violations of the TCPA. This count is not a cause of action but seeks a remedy provided by the TCPA and, if proven, can be recovered as actual damages in Plaintiff's claims for violations of the TCPA. This Count IV does not state a cause of action and should be dismissed."

At this juncture. Plaintiff can neither advance a more thorough response to Network's defense and does not have sufficient fair notice as to this affirmative defense that Network seeks to advance before this Court. *McDorman*, 521 F.3d at 385

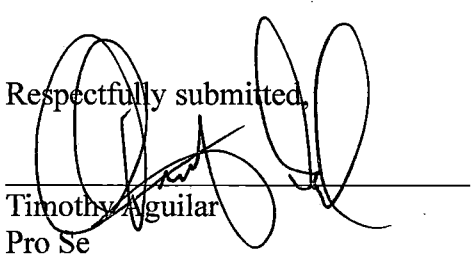
Z.2 Plaintiff's Response to Defendant Network's Twenty-Third Affirmative Defense of Reservation of Right to Assert Further Defense

NETWORK has not knowingly or intentionally waived any applicable defenses, and hereby gives notice that it intends to rely on such other and further affirmative defenses as may become available during discovery in this action. NETWORK reserves the right to amend its Answer to assert any such defense.

In Network's final affirmative defense, the attempt is made to reserve the right to raise further defenses as they become aware of them. This is inappropriate. The mere reservation of affirmative defenses is not an affirmative defense per se. *Kohler v. Staples The Office Superstore, LLC*, 291 F.R.D. 464, 473 (S.D. Cal 2013).

FOR THESE REASONS, Plaintiff prays that Defendant's Network's Motion to Dismiss with Affirmative Defense be denied in all things, defenses stricken as allowed by the Court and allow this case to go forward to the jury on it's merits in all things; and, if required, allow Plaintiff to amend his complaint in all things so that justice may be effected in all things.

Respectfully submitted,



Timothy Aguilar
Pro Se
2807 Randolph Road
Pasadena, Texas 77503
832-689-7311 – cell

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Plaintiff's Response to Defendant Network's Motion to Dismiss and Plaintiff's Motion to Strike Network's Affirmative Defenses was served on all parties of record in this case at the following address listed below on this 7th day of December 2023.

Linda G. Moore
Attorney at Law
3811 Turtle Creek Blvd, Suite 2000
Dallas, Texas 75219
Direct – 214-599-4008

_____ Fax Number –

_____ Hand Delivery

_____ Certified Mail Return Receipt Request No. –

_____ U.S. Mail – First Class

X _____ Electronic Delivery via e-File: lmoore@estesthorne.com;



TIMOTHY AGUILAR

Illegal Robo Calls

1

Call#	Date & Time of Robo Call		Caller-ID Number	Carrier	RoboCallerPre-Recorded
1	4-Jan-23	9:35 AM	1-971-299-2477	Onvoy LLC-OR	Medicare Health Ctr robo call -recorded
2	4-Jan-23	12:36 PM	1-832-619-1466	Spoofed CID	Pre-Recorded voice message From Jason w/ Medicare - recorded
3	4-Jan-23	4:34 PM	1-832-633-3066	Spoofed CID	Medicare robo call
4	January 5, 2023	1:21 PM	1-832-768-2667	Spoofed CID	Pre-Recorded voice message From Mary w/ Final Expense
5	January 5, 2023	3:12 PM	832-462-5897	Aerial	Pre-Recorded voice message From Emma w/ Final Expense
6	January 10, 2023	10:16 AM	832-740-9597	Sprint	Pre-Recorded voice message From Emma w/ Final Expense
7	January 10, 2023	4:39 PM	1-832-644-0711	Level 3 Comm	Robo call from Daniel -Medicare - recorded -asked to quit calling
8	January 10, 2023	4:44 PM	1-832-689-5285	Spoofed CID	Pre-Recorded Message from Sr. health Advisors-Medicare recorded
9	January 17, 2023	12:52 PM	1-601-374-7922	Onvoy LLC	Pre-Recorded Message from New Medicare recorded
10	January 18, 2023	10:59 AM	1-832-681-4035	Spoofed CID	Pre-Recorded voice message From Sophia - Accident Claims-recorded
11	January 19, 2023	8:41 AM	1-832-703-4363	Sprint	Pre-Recorded voice message From Alex w/ Final Expense
12	January 20, 2023	1:16 PM	1-832-622-5926	Spoofed CID	Pre-Recorded voice message From Sam w/ Final Expense
13	January 20, 2023	3:37 PM	1-832-643-6080	Spoofed CID -Aerial	Pre-Recorded voice message from Sophia Accident Claims - recorded
14	January 21, 2023	12:39 PM	1-832-694-4915	Spoofed CID	Robo call from Mark at Solar Panel - Bandwidth.com - carrier
15	January 23, 2023	9:58 AM	1-432-233-1279	Onvoy LLC-Tx	Pre-Recorded voice message from Elsa w/Medicare - recorded
16	January 23, 2023	1:52 PM	1-832-693-3923	Spoofed CID	Pre-Recorded voice message from Sophia - Acc. Claims - recorded
17	January 23, 2023	2:06 PM	1-832-659-8782	Spoofed CID	Pre-Recorded voice message From Alex w/ Final Expense -recorded
18	January 23, 2023	5:22 PM	1-770-273-7756	Onvoy LLC-GA	Pre-Recorded voice message from Medicare robo
19	January 24, 2023	1:06 PM	1-832-590-5550	SWBell	Pre-Recorded voice message from Alex w/Final Expense-recorded
20	January 24, 2023	2:52 PM	1-832-224-3712	Bandwidth.com	Final Expense

PLAINTIFF'S EXHIBIT

Number

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Illegal Robo Calls

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21	January 25, 2023	10:24 AM	1-832-855-8097	Aerial	Pre-Recorded voice message From Emma w/ Final Expense
22	January 25, 2023	1:35 PM	1-832-646-0453	Spoofed CID	Pre-Recorded voice msg-Sophia - Acc. Claims -recorded-req. to quit calling
23	January 25, 2023	3:47 PM	1-832-629-3003	Spoofed CID	Pre-Recorded voice message From Sophia - Accident Claims
24	January 26, 2023	10:17 AM	1-832-629-6248	Sprint	Final Expense Adam Parker -recorded
25	January 26, 2023	11:04 AM	1-832-554-9805	Level3Comm	Pre-Recorded voice message From Alex w/ Final Expense
26	January 26, 2023	3:05 PM	1-832-614-9991	Spoofed CID	Pre-Recorded voice message from Peter-Acc Claims- recorded
27	January 27, 2023	12:19 pm	1-469-746-0251	Onvoy LLC-Tx	medicare robo call-Brian -recorded
28	January 30, 2023	9:51 AM	1-630-526-0946	Onvoy LLC	Pre-recorded msg Sam - medicare & auto insurance -recorded
29	January 30, 2023	11:11 AM	1-832-665-2635	Spoofed CID	Pre-Recorded voice message from James w/Accident Claims
30	January 30, 2023	1:42 PM	1-254-273-0156	Onvoy LLC-Tx	Pre-Recorded Message w/Jeremy from Medicare - recorded
31	February 2, 2023	3:48 PM	1-832-670-4152	Spoofed	Pre-Recorded voice message From Alex w/ Final Expense
32	February 2, 2023	3:56 PM	1-832-635-3029	USA Mobility WRLS	Robo call from Gavin - Pre-Recorded
33	February 2, 2023	4:05 PM	1-361-268-3744	Onvoy LLC Tx	Pre-Recorded messge from Jeremy w/Medicare - recorded
34	February 3, 2023	9:10 AM	1-430-230-7921	OnvoyLLC-Tx	Pre-Recorded voice message From Hector w/ Final Expense-recorded
35	February 3, 2023	11:47 AM	1-832-659-9157	Spoofed CID	Pre-Recorded voice message From Alex w/ Final Expense -recorded
36	February 3, 2023	2:14 PM	1-361-268-3748	Onvoy LLC Tx	Pre-Recorded voice msg from Elsa w/Medicare - recorded -quit calling
37	February 5, 2023	2:35 PM	1-214-910-1158	Onvoy LLC-TX	Pre-Recorded voice message from Mary w/Final Expense
38	February 6, 2023	3:47 PM	1-832-627-2069	Spoofed CID	Pre-Recorded voice message from Mike w/Accident Claims-recorded
39	February 9, 2023	10:51 AM	1-832-617-3227	Bandwidth.com	Robo call voice msg from Accident Claims-recorded
40	February 9, 2023	10:52 AM	1-832-673-8257	Spoofed CID	Pre-Recorded voice message From Alex w/ Final Expense-recorded
41	February 10, 2023	9:30 AM	1-832-680-0923		Pre-Recorded vocie message from Amber w/Medicare

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

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42	February 12, 2023	8:07 AM	1-832-693-4465	Spoofed CID	Pre-Recorded voice message From Mary w/ Final Expense
43	February 14, 2023	9:42 AM	1-830-227-8563	Onvoy LLC-TX	robo call - Mary - Fianl Expense
44	February 14, 2023	10:44 AM	1-832-694-9910	New Cingular	Pre-Recorded vocie message from Alex w/Final Expense
45	February 14, 2023	10:49 AM	1-325-275-2603	Onvoy LLC-Tx	Pre-Recorded vocie message from James w/Final Expense
46	February 15, 2023	8:52 AM	1-832-662-9270	Peerless Ntwk	Pre-Recorded voice message from Sophia w/Accident Claims
47	February 16, 2023	12:08 PM	1-985-244-1165	Onvoy LLC-Tx	medicare robo call
48	February 16, 2023	4:39 PM	1-254-272-3085	Onvoy LLC-Tx	Pre-recorded Msg from Hector- Covid 19-recorded
49	February 23, 2023	9:56 AM	1-629-276-7837	Onvoy LLC-TN	Pre-Recorded voice message from Elsa w/Healthcare benefits -recorded
50	February 24, 2023	9:31 AM	1-214-894-8337	Onvoy LLC-TX	Pre-Recorded voice message from Elsa w/Medicare -recorded
51	February 27, 2023	8:10 AM	1-832-665-5817	Spoofed CID	Pre-Recorded voice message from Sophia w/Accident Claims
52	February 27, 2023	10:28 AM	1-213-583-7165	Onvoy LLC-CA	Pre-Recorded voice message from Nicole w/Final Expense -recorded
53	February 27, 2023	1:24 PM	1-832-641-7423	Spoofed CID -Aerial	Pre-Recorded voice message from Sophia w/Accident Claims
54	February 28, 2023	8:56 AM	1-832-660-5371	Spoofed CID	Pre-Recorded voice message from Accident Claims - recorded
55	April 12, 2023	2:00 PM	1-239-373-6443	Onvoy LLC-FL	Pre-Recorded voice message from Accident Claims - recorded
56	April 13, 2023	1:08 PM	1-325-241-8284	Onvoy LLC-Tx	Robo call from Addick w/Medicare - recorded
57	April 13, 2023	4:14 PM	1-210-256-2750	Onvoy LLC-Tx	Robo call from Michael w/Medicare-& covid 19-recorded
58	April 15, 2023	11:13 AM	1-432-241-8654	Onvoy LLC-Tx	missed robo call
59	April 15, 2023	11:16 AM	1-832-200-6367	MCIMETRO	missed robo call
60	April 17, 2023	11:28 AM	1-325-229-4791	Onvoy LLC-TX	robo call Pharmacy Network scam - recorded
61	April 18, 2023	3:28pm	1-832-227-5421	SW Bell	Pre-Recorded msg from Maria - Home Solar - recorded
62	April 26, 2023	8:12 AM	1-832-968-5127	New Cingular	Medicare robo call - recorded - req. not to be called to the Rep

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

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63	April 27, 2023	10:04 am	1-620-236-6158	Peerless Ntwk	Medicare robo -recorded
64	April 27, 2023	10:50 AM	1-832-614-8746	Spoofed CID	Pre-Recorded message from Stacy w/Final Expense - recorded
65	April 27, 2023	1:39 PM	1-832-954-2342	Spoofed CID	Pre-Recorded message - Solar Robo call - recorded
66	April 28, 2023	1:19 PM	1-832-400-1418	Peerless Ntwk	robo call - Dental insurance - recorded
67	April 28, 2023	4:26 PM	1-346-362-5953	Onvoy LLC-TX	Robo call from Medicare - recorded
68	May 1, 2023	11:32 AM	1-832-680-0557	Bandwidth.com	pre-recorded call from Ricky - Disease Prev, -Medicare Robo-recorded
69	May 2, 2023	10:36 AM	1-832-680-0883		robo call from auto warranty - recorded with Mark
70	May 2, 2023	10:39 AM	1-608-360-5910	Onvoy LLC-WI	robo call from Sam w/Senior Benefits - recorded - placing on DNC list
71	May 2, 2023	11:39 AM	1-832-680-0987	Bandwidth.com	missed robo call
72	May 2, 2023	12:07 PM	1-832-656-3445	Spoofed CID	METRO PCS CARRIER - Pre-recorded msg - recorded
73	May 2, 2023	2:48 PM	1-832-681-9515		missed robo call
74	May 2, 2023	5:14 PM	1-832-612-0653	Spoofed CID	robo call from Jacob w/ Final Expense - recorded
75	May 3, 2023	9:52 AM	1-832-200-1622	MCIMETRO	robo call from jason-Disease Prevention - recorded - Jason place on dnc list
76	May 3, 2023	12:18 PM	1-832-200-4822	Spoofed CID	robo call - recorded
77	May 5, 2023	9:18 AM	1-954-355-7775	Onvoy LLC-FL	Spanish robo call-recorded
78	May 5, 2023	10:50 AM	1-832-200-5753	MCIMETRO ATS	robo call from Jerry Anderson - Disease Prev. recorded
79	May 5, 2023	12:10 PM	706-229-8599	PeerlessNtwk	Pre-Recorded voice message From David w/ Final Expense -recorded
80	May 8, 2023	1:50 PM	1-832-200-8858		Pre-Recorded voice from Lyentte w/Medicare - recorded
81	May 8, 2023	2:41 PM	1-832-200-9464	MCI MetroATS	missed robo call
82	May 9, 2023	12:07 PM	1-832-680-0809		Medicre robo call - recorded
83	May 11, 2023	4:52 PM	1-832-968-3441	AT&T	medicare/final expense robo call - recorded

Illegal Robo Calls

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84	May 12, 2023	4:45 PM	1-832-639-5935	Onvoy LLC-Tx	pre-recorded message from Daniel - American Solar - recorded
85	May 15, 2023	9:37 AM	1-325-269-6797	Onvoy LLC Tx	robo diabetic call - Jennifer - recorded
86	May 15, 2023	1:03 PM	1-832-675-2125	Spoofed CID	Acc Claims - Jack - recorded
87	May 16, 2023	10:57 AM	915-265-7447	OnvoyLLC-Tx	Pre-Recorded voice message From Beck w/ Final Expense -recorded
88	May 16, 2023	10:57 AM	1-832-478-3394		Medicare robo call - recorded
89	May 19, 2023	12:49 PM	1-979-465-4751	Onvoy LLC Tx	Waly - Medicare - recorded
90	May 23, 2023	4:43 PM	1-208-428-1694	Onvoy LLC-ID	
91	May 23, 2023	6:30 PM	1-281-694-4396	Bandwidth.com	
92	May 24, 2023	4:53 PM	1-936-239-9633	Spoofed CID	pre-recorded message - auto insurance - recorded
93	May 24, 2023	5:34 PM	1-214-393-7995	Onvoy LLC-TX	Spanish Robo call - solar - recorded
94	May 26, 2023	6:51 PM	1-281-694-4396	Bandwidth.com	Harvey with Solar Energy
95	May 29, 2023	11:46 AM	1-303-301-3993	Level 3 Comm	robo call - missed
96	May 29, 2023	1:37 PM	1-315-226-4796	Onvoy LLC-NY	robo call - Sala from Aura Solar - recorded
97	May 30, 2023	10:18 AM	1-832-200-2981	MCIM ATS	robo call - missed
98	May 30, 2023	10:33 AM	1-832-200-3084		Pre-Recorded Msg - Camp Lejune - recorded
99	May 30, 2023	2:58 PM	1-832-200-1450	MCI MetroATS	American Solar robo call - recorded
100	May 31, 2023	10:50 AM	1-832-683-6122	Spoofed CID	Customs scam robo call - recorded
101	May 31, 2023	12:34 PM	1-832-200-5118	Spoofed CID	American Home Solar robo - MCI metro ATS is carrier
102	May 31, 2023	1:16 PM	1-832-680-0999	Spoofed CID	
103	May 31, 2023	3:30 PM	1-832-200-3232	Spoofed CID	robo call - Maria Home solar - recorded
104	June 1, 2023	9:15 AM	1-832-200-5188	MCIMETRO ATS	American Solar robo call

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

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105	June 1, 2023	1:29 PM	1-800-287-0172	Non-DA	pre-recorded msg from Jackie Smith - Low Cost Airlines - recorded
106	June 1, 2023	1:33 PM	1-832-479-0150	Bandwidth.com	robo call - Nat'l Dealer Services - recorded
107	June 1, 2023	3:50 PM	1-931-208-1878	PeerlessNtwk	Robo - dialer
108	June 1, 2023	4:56 PM	1-570-508-6172	Onvoy LLC-PA	Robo call - American Health - recorded
109	June 1, 2023	6:29 PM	1-832-200-9678	Spoofed CID	Pre-Recorded voice msg from Maria - American Solar robo call-recorded
110	June 2, 2023	10:17 AM	1-832-200-5930	MCIMETRO	Robo call - abaonded call - recorded
111	June 2, 2023	11:07 AM	1-832-706-4180	Level 3 Comm	Pre-Recorded msg from Scott - Solar call - recorded
112	June 3, 2023	4:53 PM	1-210-953-3562	Onvoy LLC Tx	Pre-recorded Final Expense Call
113	June 5, 2023	9:40 AM	1-318-479-9923	Onvoy LLC-LA	pre-recorded msg from Amazon robo scam - recorded
114	June 6, 2023	8:29 AM	1-737-250-3973	Peerless Ntwk	Robo call from Mike w/Medicare - recorded - med. Q's being asked
115	June 6, 2023	1:42 PM	1-832-685-3897		Pre-recorded msg from Elie - Smart Alarm - recorded
116	June 7, 2023	11:54 AM	1-832-441-7332	New Cingular	
117	June 8, 2023	10:40 AM	1-832-200-8640		missed robo call
118	June 8, 2023	2:48 PM	1-832-596-3872	New Cingular	Pre-Recorded msg from Amber w/Medicare - recorded
119	June 8, 2023	3:31 PM	1-585-401-2231	Onvoy LLC-NY	Robo call- no answer - recorded
120	June 8, 2023	3:32 PM	1-607-202-5417	Onvoy LLC-NY	Robo call - insurance - recorded
121	June 9, 2023	9:27 AM	1-832-374-8771	Bandwidth.com	Pre-Recorded Msg
122	June 9, 2023	2:27 PM	1-970-238-2505	Onvoy LLC-CO	Pre-recorded msg from Hector - Final Expense - recorded
123	June 9, 2023			OnvoyLLC-TX	
124	June 9, 2023			OnvoyLLC-CO	
125	June 9, 2023	4:58 PM	1-832-631-4532	OnvoyLLC-TX	robo call from John with Medicare office - medicre expiring - recorded

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

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126	June 10, 2023	12:08 PM	1-207-204-5346	PeerlessNtwk	
127	June 12, 2023	8:43 AM	1-832-200-1873	Sky Net Comm	Pre-Recorded msg Camp Lejune - recorded
128	June 12, 2023	9:22 AM	1-832-200-9738		Pre-recorded msg from Ron - Camp Lejune - recorded
129	June 12, 2023	12:27 PM	1-839-895-9256	PeerlessNtwk	Pre-Recorded voice message From John w/ Senior benefits - recorded
130	June 12, 2023	12:57 PM	1-405-389-4598	Onvoy LLC-OK	ROBO MISSED CALL
131	June 13, 2023	10:51 AM	1-336-842-8448	PeerlessNtwk	Robo call - Sam w/United States Healthcare-Medicare scam-recorded
132	June 13, 2023	1:08 PM	1-832-643-0533	Aerial - Spoofed CID	Pre-recorded voice msg from Sophia - Acc claims - recorded
133	June 14, 2023	11:44 AM	1-757-733-6741	Onvoy LLC -VA	Pre-recorded voice msg from Tina - Acc Claims - recorded
134	June 15, 2023	9:35 AM	1-832-676-4331	SW Bell - spoofed	Pre-recorded msg Sophia - Acc claims - recorded
135	June 15, 2023	9:59 AM	1-832-200-3762		missed robo call
136	June 15, 2023	10:27 AM	1-832-653-5251		Robo call - abaonded call - recorded
137	June 15, 2023	1:35 PM	1-660-280-3840	OnvoyLLC-MO	Pre-Recorded msg From John w/ Final Expense-recorded -req.to stop calling
138	June 15, 2023	4:15 PM	1-708-340-0802	Peerless Ntwk	robo call from Mark - Medicare - recorded
139	June 15, 2023	4:48 PM	1-832-235-5861		Pre-recorded msg malfunction - recorded
140	June 15, 2023	5:31 PM	1-832-283-5373		Pre-recorded msg - unable to decipher -
141	June 16, 2023	10:02 AM	1-832-281-9308	OnvoyLLC-Tx	Pre-Recorded voice message from Amber w/Medicare - recorded
142	June 16, 2023	9:27 AM	1-408-877-0836	PeerlessNtwk	missed robo call
143	June 16, 2023	10:02 AM	1-832-680-0729		medicare robo call
144	June 16, 2023	11:22 AM	1-832-858-0543	Aerial - Spoofed CID	Pre-recorded voice msg from Nash-Liberty Med.Supply-recorded
145	June 16, 2023	1:51 PM	1-832-445-3708		Medicare robo call
146	June 16, 2023	2:17 PM	1-832-636-1272	Spoofed CID	Pre-Recorded voice msg from Amber w/Medicare - recorded

PLAINTIFF S EXHIBITNumber A

Illegal Robo Calls

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147	June 16, 2023	3:55 PM	1-628-200-9249	O1 Comm Inc	Pre-Recorded voice msg - Amazon scam - recorded
148	June 19, 2023	9:55 AM	1-628-221-0984	Bandwidth.com	Robo call from Clean Energy - recorded
149	June 19, 2023	10:02 AM	1-832-665-3842		Pre-Recorded voice msg from Amber w/Medicare - recorded
150	June 19, 2023	10:12 AM	1-781-566-8000	Spoofed CID	Pre-Recorded voice msg - malfunction - recorded
151	June 19, 2023	11:17 AM	1-719-654-0216	Onvoy LLC-Co	Robo call from mark - Aura Solar -recorded
152	June 19, 2023	11:50 AM	1-859-208-6943	Onvoy LLC-KY	Pre-Recorded voice msg from Amber w/Medicare - recorded
153	June 19, 2023	3:06 AM	1-832-288-4380	Comcast IP	John Parker w/Medicare -recorded
154	June 19, 2023	3:11 PM	1-832-716-9545	Aerial -Spoofed CID	Alex frpom Diabetic health Ctr recorded
155	June 19, 2023	5:53 PM	1-832-603-7398		Pre-recorded Msg - Moses - Acc Claims - recorded - req. to quit calling
156	June 20, 2023	8:14 PM	1-832-200-2752		
157	June 20, 2023	10:13 AM	1-504-946-0921	Airus Inc-LA	Robo call - Walmart Investigation team - recorded
158	June 20, 2023	11:23 AM	1-361-895-9187	Peerless Ntwk	Pre-Recorded msg - Medicare -recorded
159	June 20, 2023	12:06 PM	1-321-510-4515	Onvoy LLC-FL	Danny w/Acc Help Claims Line - Attys in network - Houston, Tx - recorded
160	June 20, 2023	5:10 PM	1-475-272-4053	Onvoy LLC-CT	
161	June 20, 2023	5:12 PM	1-832-979-8027	Onvoy LLC-TX	
162	June 21, 2023	9:12 AM	1-832-626-7461	Level 3 Comm	Pre-recorded msg from Acc Claims -
163	June 21, 2023	11:24 AM	1-816-402-3645	Onvoy LLC-Mo	Pre-recorded voice msg - Amy -Amer Citizens Care - recorded
164	June 21, 2023	11:27 AM	1-701-510-9225	Startus Ntwk	missed robo call
165	June 21, 2023	2:04 PM	1-832-680-0888		Pre-recorded msg from Camp Lejune - req. to stop calls - recorded
166	June 21, 2023	2:30 PM	1-832-291-0936		Pre-recorded msg from Nina - Medicare - recorded
167	June 21, 2023	4:38 PM	1-720-918-8495	Startus Ntwk	abandoned robo call -recorded

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

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168	June 21, 2023	5:07 PM	1-832-680-0520		abandoned call -recorded
169	June 21, 2023	5:45 PM	1-720-682-6580	Verizon	Missed call from Alberto Talveras
170	June 22, 2023	10:10 AM	1-832-200-9245	Spoofed CID	Pre-recorded msg from Amanda - Camp Lejune - recorded
171	June 22, 2023	11:45 AM	1-769-235-5014	Onvoy LLC-MS	Tina w/Acc Claims - recorded
172	June 22, 2023	12:52 PM	1-910-447-8746	Onvoy LLC-NC	Harry w/Us healthcare - recorded - Medicare
173	June 22, 2023	2:19 PM	1-832-620-8185	Spoofed CID	no answer
174	June 22, 2023	4:45 PM	1-832-680-0324	Onvoy LLC-MS	missed call
175	June 22, 2023	5:10 PM	1-832-690-5481	Onvoy LLC-NC	Pre-Recorded voice msg. From Sophia Acc Claims-recorded
176	June 22, 2023	5:43 PM	1-931-281-1410	Spoofed CID	Medicare call - recorded
177	June 23, 2023	9:22 AM	1-781-566-8000		robo call abandoned
178	June 23, 2023	11:26 AM	1-832-640-5099	Spoofed CID	Danny w/Sr. benefits - Medicare -recorded
179	June 23, 2023	12:48 PM	1-832-681-2629	SW BELL	Adam w/Acc Claims Help Line - recorded - req Adam to quit calling -
180	June 23, 2023	2:04 PM	1-832-659-1361	Spoofed CID	Medicare call - recorded - admits to working for US Gov't.
181	June 23, 2023	3:17 PM	1-304-944-5739	Onvoy LLC-WV	Nathan with Medicare - recorded - laughs about robo calls incoming
182	June 23, 2023	4:45 PM	1-321-989-3517	Peerless Ntwk	Pre-recorded msg -Rachel with Medicare Dept - recorded
183	June 23, 2023	5:15 PM	1-832-622-7293		Pre-recorded msg Medicare
184	June 26, 2023	10:27 AM	1-832-666-3258	Comcast IP	Pre-RecordedMsg from Amy - Final Expense - recorded
185	June 26, 2023	10:52 AM	1-832-616-8246	Aerial Comm	Pre-recorded msg from Sr benefits - Final Exp
186	June 26, 2023	10:53 AM	325-352-8487	OnvoyLLC-Tx	Pre-Recorded voice message From Amy w/ Sr, benefits/fin. Exp recorded
187	June 26, 2023	10:57 AM	1-832-680-0837		Linda w/Acc Claims - recorded
188	June 26, 2023	11:17 AM	1-832-246-7449		Camp-recorded msg from Camp Lejune - recorded

PLAINTIFF S EXHIBIT

Number A

Illegal Robo Calls

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189	June 26, 2023	11:59 AM	1-832-626-4931		
190	June 26, 2023	12:17 PM	1-571-612-5372	US LEC OF VA	Spanish robo call - Medicare -recorded
191	June 26, 2023	12:25 PM	1-832-693-1451	Spoofed CID	Pre-Recorded voice message From Amy w/ Final Expense-recorded
192	June 26, 2023	2:17 PM	1-407-439-1332	Peerless Ntwk	Kevin w/Medicare - recorded
193	June 26, 2023	3:46 PM	1-832-646-7499	Aerial Comm	Pain mgmt robo cal recorded
194	June 26, 2023	4:58 PM	1-504-380-0486	Airus Inc-LA	David w/free massager -Medicare-agent threatens to call 600 x in a day - recorded
195	June 27, 2023	3:15 PM	832-658-0876	Spoofed CID	Pre-Recorded voice msg from Roseann-Final Care-recorded - C/B-1
196	June 27, 2023	4:18 PM	1-859-479-3189	Peerless Ntwk	Nelson w/Medicare - recorded
197	June 27, 2023	5:18 PM	1-832-738-3142	Aerial Comm	Nina w/Medicare - recorded
198	June 28, 2023	10:34 AM	1-832-273-4992	Spoofed CID	Pre-recorded msg from Amber -Medicare - recorded
199	June 28, 2023	10:54 AM	1-832-698-8231	Logix Comm-Tx	Pre-recorded msg from Eillien - Vinyl Care - Low Final Exp - recorded
200	June 28, 2023	11:24 AM	1-270-273-7408	Onvoy LLC-KY	Pre-recorded msg from Tina - Acc Help Line - recorded
201	June 28, 2023	11:52 AM	1-832-537-6076	Spoofed CID	Pre-recorded msg - Jason - Camp Lejune - recorded
202	June 28, 2023	1:44 PM	1-832-261-7011	Onvoy LLC-Tx	Pre-recorded - Customs Protection - recorded
203	June 28, 2023	4:19 PM	1-832-682-5080		Pre-recorded msg from Amber
204	June 29, 2023	10:21 AM	1-832-639-3885	Bandwidth.com	Pre-recorded msg - msg glitching
205	June 29, 2023	4:01 PM	1-832-755-9696	Aerial	Pre-Recorded msg from Amber w/Medicare - recorded
206	June 29, 2023	5:25 PM	1-832-461-9658	Spoofed CID	Pre-Recorded msg from Amber w/Medicare - recorded
207	July 3, 2023	9:15 AM	1-832-680-0738	Bandwidth.com	Pre-recorded msg from Linda - Acc Help Line - recorded
208	July 3, 2023	9:43 AM	1-832-618-1344	Spoofed CID	Are-Recorded msg from Sophia- Acc Help Line - recorded
209	July 3, 2023	1:08 PM	1-832-654-0379	Spoofed CID	Pre-Recorded msg from Roseann w/Final Care - recorded

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

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210	July 3, 2023	1:43 PM	1-832-931-7482	Spoofed CID	Pre-Recorded msg from Amber w/Medicare - recorded
211	July 3, 2023	5:45 PM	1-720-683-6580	Bandwidth.com	Alberto Taveras
212	July 6, 2023	9:38 AM	1-832-837-3490		Pre-Recorded msg from Amber w/Medicare - recorded
213	July 6, 2023	10:13 AM	1-832-681-4831		Pre-recorded msg from Customs Protection - recorded
214	July 6, 2023	3:10 PM	1-832-652-5940	Onvoy LLC-TX	Pre-Recorded msg from Amy w/Amer. Sr. Citizens - recorded
215	July 7, 2023	11:37 AM	1-832-200-2975	Spoofed CID	robo call abandoned -recorded
216	July 7, 2023	11:52 AM	781-566-8000	Spoofed CID	robo call abandoned - recorded
217	July 7, 2023	12:38 PM	304-996-0364	PeerlessNtwk	Pre-Recorded voice message From David w/ Consumer Legal - recorded
218	July 7, 2023	4:15 PM	832-200-8631	Spoofed CID	Pre-Recorded voice message from Amber w/Medicare - recorded
219	July 7, 2023	4:49 PM	832-870-5023	MCIMETRO	Pre-Recorded voice message From Amy w/ Amer. Sr. Citizens - recorded
220	July 7, 2023	4:47 PM	214-664-2435	Spoofed CID	missed call - robo
221	July 7, 2023	5:42 PM	832-744-5775	Spoofed CID	Pre-Recorded Msg from agent w/Medicare -
222	July 10, 2023	2:19 PM	1-270-269-5461	Onvoy LLC-KY	Pre-Recorded msg from autobot- recorded
223	July 10, 2023	4:55 PM	1-832-643-6183	Spoofed CID	Pre-Recorded msg from Sophia w/Acc Claims - recorded
224	July 10, 2023	8:45 PM	832-200-9820	MCI MetroATS	Pre-Recorded voice message From Amy w/ Final Expense -recorded
225	July 11, 2023	10:45 AM	1-231-535-9335	Onvoy LLC-MI	Pre-recorded msg from maria Home Services - recorded
226	July 11, 2023	12:05 PM	1-832-645-1753	Level 3 Comm	Pre recorded msg from Amber - Medicare - recorded
227	July 12, 2023	6:27 PM	1-832-821-2906		Robo call from Jared Loveless - United Healthcare - recorded
228	July 13, 2023	8:48 AM	1-361-286-5131	Onvoy LLC-Tx	Muriah - Consumer Alegiace Network - Camp Lejune - recorded
229	July 13, 2023	1:27 PM	1-832-680-0178	Bandwidth.com	Pre-recorded msg - Ricky - Acc Claims Helpline - recorded
230	July 13, 2023	4:16 PM	832-867-8575	Spoofed CID	Pre-Recorded voice message From Amy w/ Final Expense

Illegal Robo Calls

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231	July 13, 2023	4:31 PM	1-832-615-3845	Spoofed CID	Medicare call - Pre-recorded
232	July 13, 2023	4:41 PM	1-770-874-5375	Onvoy LLC-GA	Pre-Recorded msg from Alex from Final Expense - recorded
233	July 13, 2023	4:54 PM	1-651-412-2575	Peerless Ntwk	Robo call from Jenny Healthcare Serv. Medicare - recorded
234	July 13, 2023	5:00 PM	1-985-298-3790	Onvoy LLC-LA	Pre-Recorded msg from Amy - Senior Benefits-recorded
235	July 13, 2023	5:19 PM	1-832-691-3733	Spoofed CID	abandoned robo call -recorded
236	July 13, 2023	5:29 PM	1-659-261-3805	AirusInc.-AL	Pre-Recorded voice message From Nina w/ Medicare - recorded
237	July 14, 2023	8:14 AM	1-830-240-8599	Peerless Ntwk	robo call from Mary Tinetic Home Care solutions - recorded
238	July 14, 2023	10:00 AM	1-775-877-4506	Peerless Ntwk	robo call from Kiliean United States Healthcare - recorded
239	July 14, 2023	11:16 AM	1-832-617-0309	Bandwidth.com	missed robo call - returned call - call did not go thru - see 239.1 recording
240	July 14, 2023	11:46 AM	1-224-351-9725	Onvoy LLC-	abandoned robo call -recorded
241	July 14, 2023	11:47 AM	1-832-621-0796	Bandwidth.com	abandoned robo call -recorded
242	July 14, 2023	12:12 PM	1-832-519-1645	Level 3 Comm	robo call from John - US Home Solar - recorded
243	July 14, 2023	12:28 PM	1-832-985-2645	New Cingular	Pre-Recorded msg from Amber w/Medicare - recorded
244	July 14, 2023	1:25 PM	1-901-426-1460	Peerless Ntwk	Missed robo call
245	July 14, 2023	1:47 PM	1-681-226-1233	Onvoy LLC-Tx	robo call - recorded
246	July 14, 2023	2:07 PM	832-664-8571	Comcast	Pre-Recorded voice message From Emma w/ Final Expense
247	July 14, 2023	2:26 PM	1-832-514-6886	Level 3 Comm	Pre-Recorded msg from Rachel w/healthcare benefits-recorded
248	July 14, 2023	2:30 PM	1-832-743-7690	Bandwidth.com	Rookie tele-agent - in process of disc. who the TCPA violator was -recorded
249	July 14, 2023	3:01 PM	1-832-646-9164	Aerial	Pre-Recorded voice message From Sophia - Acc Claims - recorded
250	July 14, 2023	5:00 PM	1-832-604-7594	Spoofed CID	Pre-Recorded voice message From Amber Medicare - recorded
251	July 14, 2023	6:30 PM	1-832-623-7582	Comcast IP	missed call - robo

PLANNED SEARCH

Number A

Illegal Robo Calls

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252	July 15, 2023	11:52 AM	1-832-632-1582	Spoofed CID	Robo call -argumentive John w/ Senior Ben - Final Expense-recorded
253	July 15, 2023	3:07 PM	1-832-954-6923	AshleyJohnson	Ashley Johnson - agent for NISHD - recorded
254	July 15, 2023	5:23 PM	1-832-856-3493	Bandwidth.com	robo call - Jennifer - Sr. benifts- final expense - recorded
255	July 16, 2023	11:25 AM	1-832-345-6491	Onvoy LLC-TX	Missed Call from Final Burial - Tom
256	July 16, 2023	5:06 PM	1-832-649-0628	Verizon Wireless	Final Expense - Adam Parker - recorded
257	July 17, 2023	8:37 AM	832-661-7860		Pre-recorded msg Amy w/Amer. Sr. Citizens -final exp. - recorded
258	July 17, 2023	9:22 AM	409-216-0656	Onvoy LLC Tx	Pre-Recorded - Amy w/Senior Ins. Advisor - recorded
259	July 17, 2023	12:03 PM	1-832-668-1260		Pre-Recorded voice msg from Sophia w/Acc Claims - recorded
260	July 17, 2023	1:41 PM	1-855-692-4988	Spoofed CID	Robo call Kia w/Prmeritus Power - recorded
261	July 17, 2023	1:50 PM	1-832-200-9757	MCIMETRO	Missed Robo call
262	July 17, 2023	1:55 PM	1-832-200-8448		Pre-Recorded msg from Catherine w/Medicare - recorded - stop calling
263	July 17, 2023	2:37 PM	832-662-5289	PeerlessNtwk	David w/United Care -Final Expense - recorded -
264	July 17, 2023	2:56 PM	1-832-310-0515		Brian w/US Healthcare - Medicare - recorded - req. DNC
265	July 17, 2023	1:41 PM	855-692-4988	Spoofed CID	Pre-rcoed msg Rachel w/Medicare Healthcare - recorded
266	July 17, 2023	4:48 PM	1-224-328-7801	Onvoy LLC	Medicare call
267	July 17, 2023	5:12 PM	1-832-933-1503	Spoofed CID	Medicar call
268	July 17, 2023	5:23 PM	1-832-721-8482		Robo call from Lexy w/Medicare - recorded
269	July 17, 2023	5:25 PM	1-406-501-8122	Onvoy LLC MT	Robo call from Dustin w/Medicare - recorded
270	July 17, 2023	6:51 PM	1-832-680-0740		Pre-Recorded msg from Ricky w/Acc. Help Line - recorded
271	July 18, 2023	11:56 AM	432-355-5924	Onvoy LLC Tx	Pre-Recorded voice msg Amy Sr. Advisors w/ Final Expense-recorded
272	July 18, 2023	4:09 PM	832-200-6986		Pre-Rec voice msg Katherine Medicare-record-rep cusses at me NISHD

PLAINTIFF S EXHIBIT

Number A

Illegal Robo Calls

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273	July 18, 2023	4:13 PM	832-633-5944	Spoofed CID	Pre-Recorded voice msg From Amy Amer.Sr, w/ Final Expense-recorded
274	July 18, 2023	4:36 PM	1-228-200-6642	Spoofed CID	robo call - abandoned - recorded
275	July 18, 2023	6:00pm	1-832-650-7972	Onvoy LLC-TX	Danye & mark w.US Home Solar - recorded
276	July 19, 2023	9:23 AM	832-667-3510	Teleport.com	Pre-Recorded voice message Amy - Amer. Sr Citizens - recorded -DNC req
277	July 19, 2023	10:12 AM	1-832-635-3535	USA Mobility WRLS	Pre-Recorded msg from Sophia - Acc Help Line- recorded
278	July 19, 2023	10:17 AM	1-832-200-9958	MCIMETRO	Pre-Recorded msg from Catherine w/Medicare - recorded
279	July 19, 2023	12:38 PM	1-361-213-1454	Onvoy LLC Tx	Pre-Recorded msg from Mark w/Medicare - recorded
280	Juy 19, 2023	2:36 PM	1-832-680-0800	Bandwidth.com	Pre-Recorded msg from Rachel w/Medicare - recorded
281	July 19, 2023	3:20 PM	1-832-476-3399	Level 3 Comm	Robo call - Dasiyd - solar - recorded
282	July 19, 2023	5:33 PM	1-832-200-4866		Pre-Recorded - Nina w/healthcare - Medicare - mentioned NISHD - hang up
283	July 20, 2023	9:11 AM	931-240-9604	Peerless Ntwk	Pre-Recorded voice message From Amy w/ Final Expense-recorded
284	July 20, 2023	10:22 AM	1-505-447-8886	PeerlessNtwk	Pre-Recorded msg from Amber w/Medicare -
285	July 20, 2023	1:15 PM	1-832-694-6405		Pre-Recorded Msg Sophia -Acc Claims - recorded
286	July 20, 2023	4:14 PM	1-816-370-4682	Onvoy LLc MO	Pre-Recorded msg from Amy-final expense - recorded
287	July 20, 2023	4:28 PM	1-832-685-0588	Onvoy LLC Tx	Pre-Recorded voice message From Emma w/ Final Expense
288	July 20, 2023	4:32 PM	1-516-842-8660	Onvoy LLC NY	Robo call - Jack w/Medicare - recorded
289	July 20, 2023	4:47 PM	1-659-204-4186	Onvoy LLC AL	Pre-Recorded msg from Jeremy w/Medicare - recorded
290	July 20, 2023	4:51 PM	1-832-659-4448	Aerial	Pre-Recorded voice message From Amy w/ Final Expense-recorded
291	July 20, 2023	5:15 PM	1-832-200-9642	MCI MetroATS	robo call - Sam - US Compensation - recorded
292	July 20, 2023	5:18 PM	1-346-655-9384	PeerlessNtwk	Pre-Recorded msg from Edgar w/Medicare - recorded
293	July 21, 2023	8:26 AM	1-843-585-5511	Onvoy LLC SC	Pre-Recorded msg from Amber w/Medicare -

PLAINTIFF S EXHIBITNumber A

Illegal Robo Calls

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294	July 21, 2023	9:17 AM	1-832-754-1600	Spoofed CID	Pre-Recorded msg from Amber w/Medicare - recorded
295	July 21, 2023	10:00 AM	1-409-977-9323	PeerlessNtwk	Robo call -Mary w/Medicare - recorded
296	July 21, 2023	10:17 AM	1-712-772-1992	Airus Inc	Pre-Recorded voice message From Amy w/ Final Expense -recorded
297	July 21, 2023	10:21 AM	1-267-841-9255	PeerlessNtwk	Robo call -Samuel- United States Compensation -recorded
298	July 21, 2023	11:21 AM	1-832-680-0600	Bandwidth.com	Pre-recorded mg from Amy - Final Expense
299	July 21, 2023	11:31 AM	1-703-755-7180	Onvoy LLC VA	Missed Robo call
300	July 21, 2023	2:58 PM	1-816-357-5903	Onvoy LLC MO	Pre-Recorded voice msg. From Alex w/ Final Expense-recorded
301	July 21, 2023	3:30 PM	1-832-614-0226	Spoofed CID	Pre-Recorded msg from Amber w/Medicare -
302	July 21, 2023	3:42 PM	1-502-858-1490	Peerless Ntwk	Pre-Recorded msg from Amber w/Medicare -
303	July 21, 2023	4:42 PM	1-337-284-4178	Onvoy LLC-LA	Pre-Recorded msg from Tina w/Acc Claims - recorded
304	July 21, 2023	4:53 PM	1-270-455-4783	Onvoy LLC KY	Robo call from David w/ Final Exp-admitted part of NISHD - putting on DNC List
305	July 21, 2023	5:17 PM	1-832-281-6304	Onvoy LLC Tx	Pre-Recorded msg from James w/Amer. Ben-Fin.Exp - recorded
306	July 22, 2023	6:26 PM	1-832-288-2006	AT&T	Robo call - abandoned - recorded
307	July 24, 2023	8:40 AM	1-832-286-1224	Comcast IP	robo call - abamdoned
308	July 24, 2023	9:12 AM	1-832-932-5980	Spoofed CID	Pre-Recorded msg from Ricky w/Acc Claims - recorded
309	July 24, 2023	12:46 PM	832-281-3287	Onvoy LLC Tx	Pre-Recorded voice message From James w/ Final Expense-recorded
310	July 24, 2023	2:01 PM	1-207-708-7121	Onvoy LLC	Robo call from Jospeh w/Diabetic Center - recorded
311	July 24, 2023	2:11 PM	1-708-493-8186	Onvoy LLC	Pre-Recorded msg from Amy w/Final Exp - recorded
312	July 24, 2023	3:31 PM	1-832-662-7012	Peerless Ntwk	Pre-Recorded msg from Sophia w/Acc Claims - recorded
313	July 24, 2023	5:20 PM	1-832-645-8932		Pre-Recorded msg from Amber w/Medicare - recorded - req quit calling
314	July 24, 2023	5:28 PM	1-832-835-1969	Bandwidth.com	Pre-Recorded msg from Mina w/Medicare - recorded

PLAINTIFFS EXHIBITNumber A

Illegal Robo Calls

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315	July 24, 2023	6:49 PM	1-832-912-4621	Comcast IP	Pre-Recorded msg from Ricky w/Acc. Claims - recorded
316	July 25, 2023	9:04 AM	1-832-490-3254	Onvoy LLC Tx	Pre-Recorded voice message From Amber w/medicare-recorded
317	July 25, 2023	9:13 AM	1-386-244-3107	Onvoy LLC-FL	Robo call - call center background - recorded
318	July 25, 2023	11:41 AM	1-832-684-7758	Verizon	Pre-Recorded voice msg From Amy w/ Final Expense-recorded - quit calling
319	July 25, 2023	11:51 AM	1-956-758-0932	Airus INC Tx	Robo call - Julie - Medical Alert Co - recorded
320	July 25, 2023	12:57 PM	1-832-940-1695	AT&T	Pre-Recorded msg from Ricky w/Acc Claims - recorded - quit calling
321	July 25, 2023	2:20 PM	1-575-573-2711	Onvoy LLC NM	abandoned call
322	July 25, 2023	3:19 PM	1-302-337-4901	Onvoy LLC DE	Pre-Recorded msg from Amazon - recorded
323	July 25, 2023	3:23 PM	1-828-519-1248	Onvoy LLC NC	Pre-Recorded voice message From Amy w/ Final Expense
324	July 25, 2023	3:25 PM	1-507-246-8979	Onvoy LLC MN	Pre-Recorded voice message From Amy w/ Final Expense-recorded
325	July 25, 2023	3:31 PM	1-832-224-2433	Bandwidth.com	Pre-Recorded msg from Amber w/Medicare - recorded
326	July 26, 2023	3:43 PM	1-469-386-9823	Spoofed CID	Spanish robo call - recorded
327	July 25, 2023	4:19 PM	1-832-941-4465	MCI	Robo call - malfunction- recorded
328	July 25, 2023	5:18 PM	1-260-282-2621	Onvoy LLC IN	Missed Robo call
329	July 26, 2023	8:42 AM	1-254-324-4660	Onvoy LLC Tx	Robo call from John w/Medicare - recorded - I mention def. NHS
330	July 26, 2023	8:47 AM	1-216-689-9525	PeerlessNtwk	Missed Call - Robo
331	July 26, 2023	8:56 AM	1-325-229-4049	Onvoy LLC Tx	Pre-Recorded msg from Mark w/Medicare - recorded
332	July 26, 2023	9:48 AM	1-216-689-9607	PeerlessNtwk	Robo call from Anderson w/Final Exp. Mentioned Def NSHD -hung up
333	July 26, 2023	10:44 AM	1-208-266-9966	Onvoy LLC ID	Amazon robo scam call - Alex Parker - recorded - called out scam -got mad
334	July 26, 2023	12:38 PM	1-832-308-2429	CAPROCK TELECOMM	incoming call - spoofed - I c/b # - goes to a Sr. Care facility - recorded
335	July 26, 2023	12:59 PM	1-380-226-5174	Onvoy LLC OH	Pre-recorded msg from Amy - Senior Benefits-recorded - req to stop calling

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Number A

Illegal Robo Calls

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336	July 26, 2023	3:55 PM	1-304-898-0266	Onvoy LLC WV	Pre-recorded msg from Alex-US healthcare Fin Exp - recorded
337	July 26, 2023	4:17 PM	1-440-363-8451	PeerlessNtwk	Pre-Recorded msg from Sophia - Acc claims - recorded
338	July 27, 2023	9:43 AM	1-409-219-7548	Onvoy LLC Tx	Pre-recorded msg from Mark w/Medicare - recorded
339	July 27, 2023	10:03 AM	1-765-329-9651	PeerlessNtwk	Pre-Recorded msg from Amy - Senior Citizens-recorded - req stop calling
340	July 27, 2023	10:08 AM	1-832-777-2206	Onvoy LLC-TX	Pre-recorded msg from Lynette w/Medicare - recorded - req to stop calling
341	July 27, 2023	11:00 AM	1-832-632-2634	Spoofed CID	robo call - John with Medicare - recorded
342	July 27, 2023	12:36 PM	1-832-647-5093		Robo call from Sarah-medicare - recorded
343	July 27, 2023	12:39 PM	1-814-357-9905	PeerlessNtwk	Robo call - Amer Benefits- recorded
344	July 27, 2023	12:42 PM	1-843-585-5371	Onvoy LLC -SC	Pre-Recorded msg from Amy w/Sr. Advisors/ - recorded - stop calling
345	July 27, 2023	2:47 PM	1-859-251-7793	Onvoy LLC - KY	Mike w/Acc Claims -
346	July 27, 2023	3:57 PM	1-628-232-7335	Local Access	Pre-recorded msg -Amazon scam robo call - recorded
347	July 27, 2023	4:30 PM	1-843-585-5408	Onvoy LLC - SC	Robo call from Sam - US Healthcare -Fin Exp. - recorded
348	July 27, 2023	4:48 PM	1-832-654-8038	Spoofed CID	Pre-Recorded msg from Sophia w/Acc Claims - recorded
349	July 27, 2023	4:50 PM	1-832-932-3993	Comcast IP	Pre-Recorded msg from Ricky w/Acc. Claims- recorded
350	28-Jul-23	9:08 AM	1-832-662-0716	PeerlessNtwk	Robo call from Victoria w/ Acc. Claims- recorded
351	28-Jul-23	9:11 AM	1-832-652-3089	Onvoy LLC Tx	Pre-Recorded voice message From Sophia -Acc.Claims-recorded
352	28-Jul-23	9:41 AM	1-217-281-8740	PeerlessNtwk	Pre-Recorded msh from Jennifer w/Medicare -recorded
353	28-Jul-23	9:48 AM	1-615-639-8241	Onvoy LLC TN	Pre-Recorded voice msg- Alex w/ Final Expense-recorded - placing on DNC
354	28-Jul-23	10:17 AM	1-629-280-2383	Onvoy LLC - TN	Pre-recorded msg from Amy - recorded - req to put on DNC List
355	28-Jul-23	12:32 PM	1-234-270-4464	Onvoy LLC OH	Pre-Recorded voice message From Final Expense-recorded
356	28-Jul-23	1:17 PM	1-832-479-5139	Level 3 Comm	Pre-Recorded voice message From Chris w/ Final Expense-recorded

PLAINTIFF S EXHIBIT

Number _____

Illegal Robo Calls

18

357	28-Jul-23	3:38PM	1-832-624-1910	Level 3 Comm	Pre-Recorded voice message From Ellie w/ Home Alarms-recorded
358	28-Jul-23	3:51 PM	1-229-258-7598	MCC Telephony	Pre-Recorded voice msg-Jennifer w/ Medicare-recorded - req stop calling
359	28-Jul-23	4:07 PM	1-832-676-4497	SW Bell	Roco call from Kevin w/Acc Claims - recorded - putting on DNC list
360	28-Jul-23	4:13 PM	1-419-374-9980	PeerlessNtwk	Pre-Recorded voice message From Daniel w/ Medicare Solution-recorded
361	28-Jul-23	4:16 PM	1-832-686-8975	MetroPCS,Inc	Pre-Recorded voice message From Acc Claims-recorded - req to stop calling
362	28-Jul-23	4:48 PM	1-620-207-8024	Onvoy LLC KS	Pre-Recorded voice message From mark-Medicare-recorded
363	28-Jul-23	5:18 PM	1-864-727-5223	PeerlessNtwk	Robo call from Hemp w/ Final Exp.- mentioned Def. NSHD-hung up - record
364	28-Jul-23	5:19 PM	1-229-258-7886	Onvoy LLC -GA	Pre-Recorded voice message From Daniel w/ Medicare - recorded
365	31-Jul-23	9:47 PM	1-832-688-9830	Comcast IP	Pre-Recorded voice msg From Sophia w/ Acc Claims-recorded - req. to stop callin
366	31-Jul-23	10:29 AM	1-832-654-6842	Spoofed CID	Pre-Recorded voice message From Adam w/ Sr. benefits
367	31-Jul-23	10:58 AM	1-832-645-4421	Onvoy LLC - Tx	Pre-Recorded voice message From Sophia - Acc Claims - recorded
368	31-Jul-23	11:17 AM	1-832-200-9601		Robo call Charlie - Camp Lejune - recorded
369	31-Jul-23	12:14 PM	1-832-816-2590	Spoofed CID	Pre-recorded msg - Ricky Acc Claims - recorded
370	31-Jul-23	5:05 PM	1-804-529-8995	PeerlessNtwk	Pre-Recorded voice message From Jimmy w/ Final Expense-recorded
371	1-Aug-23	10:26 AM	1-326-336-5915	Onvoy LLC -OH	Pre-Recorded voice message From Sophia w/ Acc Claims -recorded
372	1-Aug-23	10:54 AM	1-832-688-2168	XO Texas Inc	Pre-recorded call from Ricky - Acc Claims
373	1-Aug-23	11:18 AM	1-320-297-4881	Bandwidth.com	Robo call - Zak - US Healthcare w/ Final Expense-recorded
374	1-Aug-23	2:14 PM	1-603-457-4415	Onvoy LLC	Pre-Recorded voice message From Mark w/ Medicare-recorded - DNC List
375	1-Aug-23	4:28PM	1-678-847-7059	Spoofed CID	Robo Call from Jack Matthews-Medicare - recorded
376	1-Aug-23	4:31 PM	1-832-735-2360	Spoofed CID-AT&T	daniel US Home Solar - recorded
377	1-Aug-23	5:47 PM	1-832-856-6687	Bandwidth.com	Robo call from US Autowrks - recorded

Illegal Robo Calls

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378	1-Aug-23	11:08 AM	808-818-3902	Onvoy LLC - HI	
379	2-Aug-23	10:16 AM	1-832-786-2591	Level 3 Comm	missed call - robo
380	2-Aug-23	10:18 AM	832-200-4231	Metro ATS LLC	Alex - w/US Compensation - stop calling - recorded
381	2-Aug-23	11:25 AM	832-682-0959	Aerial Comm	Pre-recorded msg - Final Exp
382	2-Aug-23	1:17 PM	832-621-9407	Verizon	Pre-recorded msg - msg glitching
383	2-Aug-23	3:41 PM	223-747-0767	PeerlessNtwk	robo call abandoned - recorded
384	2-Aug-23	5:03 PM	832-661-1302	Spoofed CID	Robo call - Lyida - Diabetic call = recorded
385	2-Aug-23	5:32 PM	207-204-5346	PeerlessNtwk	Jason w/United Power - recorded
386	3-Aug-23	11:05 AM	832-230-4869	Spoofed CID	Pre-Recorded voice msg - Jennifer - recorded - medicare - put on DNC list
387	3-Aug-23	12:24 PM	832-947-2870	Level 3 Comm	Pre-recorded msg from Sam w/Perfect Medicare Solutions-recorded - stop callin
388	3-Aug-23	1:44 PM	971-802-0764	PeerlessNtwk	Robo call from John @ Sr benfits - final exp -recorded - Def. NISHD
389	3-Aug-23	2:24 PM	207-204-5346	PeerlessNtwk	Robo call from Jason at United Power - recorded - ask not to call
390	3-Aug-23	2:42 PM	832-770-8931	Onvoy LLC - TX	Robo call from Grace w/ Final Exp. - recorded
391	3-Aug-23	3:54 PM	573-207-6238	PeerlessNtwk	Robo call from lger, w/Medicare - recorded
392	3-Aug-23	4:03 PM	217-281-6971	PeerlessNtwk	Missed robo call -
393	3-Aug-23	5:12 PM	351-229-1747	Bandwidth.com	Pre-Recorded voice msg - Nash w/Liberty Med. Supply - recorded - place DNC list
394	3-Aug-23	5:48 PM	832-680-0271	Bandwidth.com	Robo call - Ana with Diabetic call - recorded
395	4-Aug-23	9:27 AM	254-408-6130	Onvoy LLC-TX	Robo call - James w/ US Health Advisors - Final Expense-recorded
396	4-Aug-23	10:03 AM	346-261-4191	Onvoy LLC -Tx	Robo call from John w/ Medicare - advised to put on DNC
397	4-Aug-23	1:40 PM	832-473-7225	Sprint	Robo call from Michael w/ Final Expense - recorded
398	4-Aug-23	2:14 PM	832-209-1464	MCIMETRO	Pre-recorded voice -Peter w/ Acc Claims - recorded

PLAINTIFF'S EXHIBIT
 Number A

Illegal Robo Calls

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399	4-Aug-23	2:15 PM	1-832-490-1139	Onvoy LLC-TX	Pre-Recorded voice msg - Medicare - recorded
400	4-Aug-23	2:50 PM	1-832-838-6935	Level 3 Comm	Pre-recorded msg from Alex - Final Expense
401	4-Aug-23	2:59 PM	1-832-734-2820	TPX Comm	Pre-recorded voice Chris w/Sr. Solutions.Final Expense - recorded
402	4-Aug-23	3:37 PM	1-810-215-6384	Onvoy LLC-MI	Mike w/US Home Improvement - recorded - asked to be put on DNC list
403	5-Aug-23	1:52 PM	1-210-640-0557	Onvoy LLC-TX	Pre-Recorded voice message From Julie - Medicare-recorded - put DNC list
404	7-Aug-23	9:58 AM	1-631-446-9890	Peerless Ntwk	Pre-Recorded voice message From Daniel - Instant Medicare - recorded
405	7-Aug-23	10:05 AM	1-832-363-9075	Aerial	Pre-Recorded voice message - Jennifer - Medicare-recorded
406	7-Aug-23	11:10 AM	1-832-664-8410	Comcast IP	Adam Brown - medicare - recorded - admits to my # being black blacklisted
407	7-Aug-23	3:20 PM	1-276-268-4799	Onvoy LLC-VA	Pre-Recorded voice message - Mary - Medicare Dept -recorded
408	8-Aug-23	8:50 AM	1-832-652-3311	Onvoy LLC-Tx	Pre-Recorded voice message - Sarah - Medicare - recorded stop calling DNC
409	8-Aug-23	10:30 AM	1-832-281-6304		Pre-Recorded voice message -James w/ Amer. Benefits-Final Exp.recorded
410	8-Aug-23	10:47 AM	1-832-200-3105	MCIMETRO	Prerecorded voice msg from Amanda - Camp Lejune - recorded
411	8-Aug-23	1:36 PM	1-832-678-6733	Onvoy LLC-TX	Robo call - Jose w/ Final Expense recorded - Do Not Call List - requested
412	8-Aug-23	3:32 PM	985-551-8719	Airus Inc	Robo call - Harry - Tx Med. Center - diabetic - recorded
413	8-Aug-23	4:11 PM	1-832-220-3461	Spoofed CID	Pre-Recorded voice msg - Jennifer - recorded
414	8-Aug-23	5:12 PM	1-832-253-4497	Spoofed CID	Pre-Recorded voice message - Daniel - Instant medicare -recorded- DNC request
415	9-Aug-23	9:04 AM	1-629-280-2397	Onvoy LLC-TN	Pre-Recorded voice message From Alex w/ Final Expense-recorded
416	9-Aug-23	9:09 AM	1-816-223-7103	Spoofed CID	robo call - Pre-recorded msg came on then glitched - recorded
417	9-Aug-23	9:44 AM	1-712-525-2289	Airus Inc	Robo call - Mark - Prime Med. Center - diabetic - recorded
418	9-Aug-23	10:21 AM	1-804-251-8655	PeerlessNtwk	Pre-Recorded voice message From Sophia Acc Claims - recorded
419	9-Aug-23	10:18 AM	1-832-200-7345	MCIMETRO	missed robo call

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

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420	9-Aug-23	11:30 AM	210-962-8380	PeerlessNtwk	Pre-Recorded voice msg- Jason w/ Medicare - recorded - req to quit calling
421	9-Aug-23	11:48 PM	816-306-9296	Onvoy LLC-MO	Robo call - Josh - Medicare - recorded healthcare solutions-ask to quit calling
422	9-Aug-23	12:12 PM	502-917-1409	PeerlessNtwk	Pre-Recorded voice message From Sophia - Acc Claims - recorded
423	9-Aug-23	12:34 PM	1-832-767-6106	Comcast IP	Missed robo call
424	9-Aug-23	12:40 PM	1-516-703-3703	Onvoy LLC-NY	Missed robo call
425	9-Aug-23	12:52 PM	1-423-689-3683	Onvoy LLC-TN	Robo call - Jack w/ Final Expense - recorded
426	9-Aug-23	1:52 PM	1-832-615-1423	Level 3 Comm	robo call - Alex - Healthcare support - recorded
427	9-Aug-23	3:07 PM	1-419-458-0922	Peerless Ntwk	robo call - David Tx Medical Ctnr - recorded
428	10-Aug-23	9:09 AM	1-346-484-5228	Onvoy LLC-TX	Pre-Recorded voice message From Mary-Medicare-recorded
429	10-Aug-23	10:23 AM	1-910-936-3214	Onvoy LLC-NC	Pre-Recorded voice msg From Ala - Senior Advisor - Medicare-recorded
430	10-Aug-23	11:05am	1-903-308-9510	PeerlessNtwk	Robo call - Tony - Walgreens HQ -diabetic scam - recorded
431	10-Aug-23	11:06 AM	1-513-637-8349	Onvoy LLC-OH	robo missed call
432	10-Aug-23	11:10 AM	1-859-251-7793	Onvoy LLC-KY	Pre-Recorded voice message From Sarah w/Medcare-recorded
433	10-Aug-23	11:19 AM	1-210-640-0279	Onvoy LLC-Tx	Pre-Recorded voice - Mary w/Medicare dept - recorded
434	10-Aug-23	11:56 AM	1-830-264-9241	Peerless Ntwk	Pre-recorded voice msg - Jason w/Medicare - recorded
435	10-Aug-23	12:16 PM	1-629-280-2383	629-280-2383	Pre-Recorded voice message From Sophia - Acc Claims - recorded
436	10-Aug-23	12:23 PM	1-832-593-4787	AT&T	Robo Call - Kathy Adams - Walgreens - survey call - recorded
437	10-Aug-23	12:27 PM	1-727-615-5663	Onvoy LLC-FL	Pre-Recorded voice message From Sarah w/Medcare-recorded
438	10-Aug-23	12:54 PM	1-832-521-5568	Spoofed CID	Robo call - Daniel - Solar - recorded
439	10-Aug-23	1:55pm	1-832-698-4536	Spoofed CID	Pre-Recorded voice message From Sam w/Perfect Medicare-recorded
440	10-Aug-23	2:09 PM	1-832-613-3564	Spoofed CID	Pre-Recorded voice message From Jason - real estate-recorded

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

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441	10-Aug-23	2:46 PM	1-832-653-5521	Spoofed CID	Pre-Recorded voice message - Mary - Medicare
442	10-Aug-23	2:20 PM	1-318-436-7831	Onvoy LLC-LA	robo call glitched
443	10-Aug-23	2:23pm	1-774-298-9421	PeerlessNtwk	call abandoned
444	10-Aug-23	2:29 PM	1-727-615-5967	Onvoy LLC FL	call abandoned
445	10-Aug-23	4:11 PM	1-419-573-3133	Onvoy LLc OH	Pre-Recorded voice message From Sarah w/Medicare-recorded
446	10-Aug-23	5:08 PM	1-281-805-2883	Onvoy LLC-TX	Robo call - David - Allstate Healthcare center - Medicare-recorded
447	10-Aug-23	5:44 PM	1-757-835-0170	Onvoy LLC VA	kicked from the conference per pre-recorded msg - recorded
448	August 10. 2023	8:07 PM	1-830-264-9166	PeerlessNtwk	robo call glitched -
449	11-Aug-23	9:35 AM	1-920-282-3696	Onvoy LLC-WI	Pre-Recorded voice message from Sophia w/Accident Claims
450	11-Aug-23	10:34 AM	1-832-781-8878	Spoofed CID	Pre-Recorded voice message From Ryan Wilson - Medicare-recorded
451	11-Aug-23	10:38 AM	1-832-294-2262	Level 3 Comm	Robo call From Gabriel - Diabetic Cntr - recorded
452	11-Aug-23	11:11 AM	1-785-223-8724	Onvoy LLC KS	Pre-Recorded voice message From Alex w/ Final Expense-recorded
453	11-Aug-23	11:31 AM	1-440-298-4708	Onvoy LLC-OH	Pre-Recorded voice message from Sophia w/Accident Claims-recorded
454	11-Aug-23	12:41 pm	1-210-962-8678	PeerlessNtwk	Pre-Recorded voice message From Jason w/ Medicare - recorded
455	11-Aug-23	1:15pm	1-802-317-1554	Bandwidth.com	Robo call w/ Final Expense-recorded - req. agent to put on DNC List
456	11-Aug-23	2:15 PM	1-585-508-7684	Onvoy LLC-NY	Pre-Recorded voice message From Linda w/medicare - recorded
457	12-Aug-23	11:58 AM	1-832-602-5531	Spoofed CID	Robo call - Tom w/CVS Pharmacy - - recorded
458	12-Aug-23	12:44 PM	1-405-731-9478	Peerless Ntwk	Robo call - Prime Med Ctr - Tx - diabetic - recorded
459	14-Aug-23	11:42 PM	1-928-466-2405	PeerlessNtwk	Pre-recorded msg from Lynette w/Medicare - recorded
460	14-Aug-23	3:07 PM	1-573-226-2168	Onvoy LLC - MO	Robo call - Mark - Home Solar - recorded -
461	14-Aug-23	4:16 PM	1-618-227-9388	Onvoy LLC	Robo call - Victor - Home Solar -

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

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462	15-Aug-23	12:22 pm	1-936-251-3411	PeerlessNtwk	Robo call from Devin - Pain Mgmt-Medicare- rec'd - req agent to stop calling
463	16-Aug-23	9:47 AM	1-832-280-2279	Spoofed CID	Robo call - Home Solar - recorded
464	16-Aug-23	11:37 AM	1-715-280-5362	PeerlessNtwk	Robo call from Jack w/Medicare - recorded
465	16-Aug-23	11:38 AM	1-970-292-5388	Onvoy LLC-Co	Missed robo call
466	16-Aug-23	12:00 PM	1-832-628-1093	Spoofed CID	Robo call from Jason w/Medicare - recorded
467	16-Aug-23	4:47 PM	1-773-269-3577	Onvoy LLC	Robo call from Rob w/Home Solar Exp recorded
468	16-Aug-23	5:05 PM	1-839-200-1540	Onvoy LLC-SC	Robo call - Thomas w/Home Solar Exp - recorded
469	17-Aug-23	10:04 AM	1-254-246-4655	PeerlessNtwk	Robo call from MC Health Ctr -
470	17-Aug-23	11:39 AM	1-603-713-6063	Onvoy LLC-	Robo call Carlos - Do Not Call Registration Dept Scam- recorded
471	17-Aug-23	2:11PM	1-214-764-1773	Spoofed CID	Robo call - Justin - Ins. Connection - recorded
472	17-Aug-23	2:41 PM	1-224-304-8238	PeerlessNtwk	
473	17-Aug-23	3:05 PM	1-765-245-4762	Onvoy LLC-IN	Robo call-Steven Smith w/Medicare - recorded - hangs up after ask Quest.
474	17-Aug-23	3:43 PM	1-571-589-0383	PeerlessNtwk	Robo Call - John Albert w/Medicare Dept- recorded
475	17-Aug-23	3:43 PM	1-812-289-0937	Spoofed CID	Robo call from Christopher from U.S. health aka Medicare - recorded
476	17-Aug-23	4:08 PM	1-530-646-1128	O1 Comm Inc	Robo call Jim Anderson w/Medicare - recorded
477	17-Aug-23	4:25 PM	1-609-416-8768	PeerlessNtwk	Robo call - healthcare dept- Medicare - recorded
478	17-Aug-23	4:29 PM	1-209-622-2571	O1 Comm Inc	Robo call abandoned after I started playing scooby doo theme - recorded
479	17-Aug-23	5:19 PM	1-832-974-3114	Spoofed CID	Pre-recorded voice call from John w/Acc Claims- recorded
480	18-Aug-23	2:45 PM	1-832-374-8920	Bandwidth.com	Call from Jack w/Medicare - recorded transf to Mark Anderson-knew info
481	18-Aug-23	3:42 PM	1-682-265-9328	PeerlessNtwk	Robo call from Jack w/Medicare - recorded
482	18-Aug-23	3:50 PM	1-254-390-5871	Onvoy LLC-Tx	Robo call from Steven - American Solar - used profanity-recorded

Illegal Robo Calls

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483	21-Aug-23	9:16 AM	1-406-630-9250	Airus Inc-MT	Pre-Recorded msg from Sophia w/Acc Claims- recorded
484	21-Aug-23	10:42 AM	1-319-302-2972	Airus, Inc-IA	Pre-Recorded voice from Sophia w/claims - recorded
485	21-Aug-23	11:29 AM	1-386-272-3942	Onvoy LLC-FL	Robo call from Hath-American Solar - recorded
486	21-Aug-23	1:10 PM	1-325-249-0039	Vonage Amer.LLC	Robo call from Jason - United Energy Co-recorded
487	21-Aug-23	1:50pm	1-563-253-1311	Onvoy LLC-IA	Robo call from Alex w/Medicare - recorded
488	21-Aug-23	4:41 PM	1-219-426-2101	Onvoy LLC-IN	Robo call - David w/American Solar recorded -
489	22-Aug-23	11:43 AM	1-832-843-8280	Spoofed -CID	Onvoy LLC-TX shows as carrier - robo call abandoned
490	22-Aug-23	4:41 PM	1-219-426-2101	Onvoy LLC-IN	Robo call - seconds later from same # in Ex. 487 - Ins. Connection - recorded
491	22-Aug-23	2:12 PM	1-970-552-0651	Bandwidth.com	Robo call - Medicare
492	23-Aug-23	12:23 PM	1-832-421-5836	Spoofed CID	Robo call - William - Home services - recorded - req to be on DNC list
493	23-Aug-23	1:34 PM	1-832-864-2467	Spoofed CID	Robo call hangup - female voice- recorded
494	23-Aug-23	1:43 PM	1-325-249-0062	Vonage Amer.LLC	Robo call hang up - recorded
495	23-Aug-23	4:03 PM	832-281-4459		robo call abandoned -
496	24-Aug-23	10:18 AM	1-817-455-1260	Spoofed CID	Robo call - Erin Cortez - Solar Simple - recorded
497	24-Aug-23	10:22 AM	1-832-281-6347	Onvoy LLC-Tx	Pre-recorded voice James w/Amer. benefits-recorded
498	24-Aug-23	11:07 AM	1-210-514-1916	Onvoy LLC-Tx	Robo call from Alex w/Sr. Benefits - Medicare- recorded
499	24-Aug-23	11:34 AM	1-409-259-1463	IP Horizon LLC	Robo call from John w/Medicare - recorded - medicare blocked by US
500	24-Aug-23	2:14 PM	1-940-227-3165	Onvoy LLC-Tx	Robo call from Tony - United Power - recorded
501	25-Aug-23	8:15 AM	1-605-315-7621	Onvoy LLC-SO	Pre-Recorded voice msg from Justin - Connectivity - recorded
502	25-Aug-23	9:58 AM	1-832-689-7839	Spoofed CID	Pre-Recorded (2) voices from Pre-Authorized order scam - recorded
503	August 25, 2023	2:37 PM	1-719-309-0350	Peerless Ntwk	Pre-recorded vocie from Lynette w/Medicare - recorded

PLAINTIFF'S EXHIBITNumber A

Illegal Robo Calls

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504	26-Aug-23	9:19 AM	1-229-508-2601	Onvoy LLC-GA	robo call - United Power
505	26-Aug-23	11:41 AM	1-346-712-0761	Bandwidth.com	abandoned call
506	28-Aug-23	8:48 AM	1-254-549-5887	Peerless Ntwk	Pre-recorded voice - Ellie - Home alarm - recorded
507	28-Aug-23	6:57 PM	1-601-755-3558	Onvoy LLC-MS	robo call - Brian- Medicare - recorded
508	29-Aug-23	10:21 AM	1-325-249-0062	Vonage Amer.LLC	Robo call -Jason/Isham - United Energy - recorded - req. to be on DNC list
509	29-Aug-23	11:43 AM	1-254-325-5732	Onvoy LLC-TX	Robo call - John - car insurance scam - recorded
510	29-Aug-23	12:39 PM	1-832-689-7771	Spoofed CID	Pre-recorded voice 2 voices Pre-Authorized scam - recorded
511	30-Aug-23	10:49 AM	1-405-731-9382	Peerless Ntwk	robo call - David - Texas Med. Ctr - diabetic touch monitor - recorded
512	30-Aug-23	11:27 AM	1-423-456-4424	Peerless Ntwk	robo call - missed
513	30-Aug-23	12:07 PM	1-786-808-0871	Peerless Ntwk	Robo call - Brian - US Med Supply-Diabetic - recorded
514	30-Aug-23	1:30 PM	1-832-480-3865	Aerial	Robo call from -Victoria- Home Services - recorded
515	30-Aug-23	1:35 PM	1-832-487-5069	Spoofed CID	Pre-recorded voice - Ronald - US Enrollment Ctr - recorded
516	31-Aug-23	9:49 AM	1-602-753-9693	Peerless Ntwk	Pre-Recorded voice from Sophia w/Acc Claims - recorded
517	31-Aug-23	10:41 AM	1-726-237-0737	PeerlessNtwk	Pre-Recorded voice from Lynette w/Medicare - recorded
518	31-Aug-23	4:03 PM	1-667-334-2404	Onvoy LLC-MD	Missed Robo call
519	31-Aug-23	4:03 PM	1-603-968-5627	Level 3 Comm	robo call - final expense - recorded
520	31-Aug-23	6:00 PM	1-316-403-2421	Onvoy LLC-KS	Robo call - Alex - US Auto Care - recorded
521	1-Sep-23	8:40 AM	1-832-710-9038	Spoofed CID	Pre-Recorded voice from Jane w/Acc Claims - recorded
522	1-Sep-23	2:02 PM	1-878-230-0597	Commio llc	Robo call from Jason w/accident Mgmt Services - recorded - atty not available
523	1-Sep-23	2:16 PM	1-832-436-0190	Terra Nova Tele	Robo call - Kevin - from my cable service scam - recorded
524	1-Sep-23	2:30 PM	1-704-651-7496	Spoofed CID	Berken Media - Isacc - recorded

PLAINTIFF'S EXHIBITNumber A

Illegal Robo Calls

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525	1-Sep-23	3:17 PM	1-878-230-0597	Commio LLC	Berken Media - verifier for atty - recorded
526	1-Sep-23	5:28 PM	1-832-644-8663	Spoofed CID	missed robo call
527	1-Sep-23	7:47 PM	1-443-440-5354	Bandwidth.com	Pre-Recorded voice from nash w/Liberty Med. Supplies - recorded
528	2-Sep-23	9:15 AM	1-214-619-2917	Onvoy LLC-Tx	Jason - Home Solar
529	2-Sep-23	6:38 PM	1-443-714-6685	Bandwidth.com	Pre-Recorded voice from nash w/Liberty Med. Supply - recorded
530	5-Sep-23	11:10 AM	1-878-230-0597	Commio LLC	Robo call - Alex - Acc Claims - part of Issac conversation - recorded
531	5-Sep-23	11:21 AM	1-878-230-0597	Commio llc	Robo call - Jane - Acc Mgmt Hotline/Acc Claims - recorded
532	6-Sep-23	11:12 AM	1-878-230-0597	Commio llc	
533	6-Sep-23	2:41 PM	unknown		robo call abandoned -recorded
534	6-Sep-23	4:19 PM	1-458-251-5746	Onvoy LLC-OH	Robo call - Mark - Sr. benefits-Fin Exp - recorded
535	7-Sep-23	11:01 AM	1-920-557-9692	Bandwidth.com	Pre-Recorded voice from Nash w/Liberty Med. Supply - recorded
536	7-Sep-23	12:42 PM	1-832-947-6222	Onvoy LLC-TX	robo call abandoned - recorded
537	7-Sep-23	3:20 PM	1-832-288-3471	Spoofed CID	robo call abandoned - recorded
538	7-Sep-23	4:37 PM	1-385-785-9476	Peerless Ntwk	Robo call - Brian w/Medicare - recorded
539	7-Sep-23	4:58 PM	1-239-510-4619	Onvoy LLC-FI	Robo call from Sam - health care dept w/Medicare - recorded
540	7-Sep-23	5:12 PM	1-442-233-8779	Peerless Ntwk	Pre-Recorded voice from Sophia w/Acc Claims - recorded
541	7-Sep-23	5:22 PM	1-774-298-9593	Peerless Ntwk	Robo call - Michael from Amer. benefits w/final exp - recorded
542	7-Sep-23	5:59 PM	1-832-644-8817	Comcast IP	Robo call - Stella from US healthcare w/Final Expense - recorded
543	8-Sep-23	9:25 AM	1-979-300-5951	Onvoy LLC-TX	Robo call - Foregin speaking rep - recorded
544	8-Sep-23	2:08 PM	1-832-649-4364		David w/US Senior - Medicare - recorded req. that not to call -
545	Sept 8., 2023	3:07 PM	575-232-4858	Onvoy LLC-NM	Robo call - Eric - Medicare ease- recorded

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

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546	9-Sep-23	10:50 AM	346-712-1405	Bandwidth.com	Pre-recorded voice from nash - Liberty Med. Supply - recorded
547	11-Sep-23	9:07 AM	281-535-3473	Spoofed CID	missed robo call
548	11-Sep-23	9:31 AM	1-682-966-7802	Peerless Ntwk	Pre-Recorded voice from Sophia w/Acc Claims - recorded
549	11-Sep-23	2:34pm	1-302-439-6457	Onvoy LLC-DE	pre-Recorded voice from Sophia w/Acc Claims - recorded
550	11-Sep-23	2:38 PM	1-346-712-1436	Bandwidth.com	Pre-Recorded voice from nash w/Liberty Med Supplies - recorded
551	11-Sep-23	4:25 PM	1-210-640-0289	Onvoy LLC-TX	Robo call from Alex w/Medicare - recorded
552	13-Sep-23	1:03 PM	1-434-240-1374	NUSO LLC	Pre-Recorded voice msg from Sophia w/Acc Claims - recorded
553	14-Sep-23	9:29 AM	1-940-292-3569	Onvoy LLC-TX	Robo call - Alex - US Solar - recorded
554	15-Sep-23	4:55 PM	1-508-955-7547	Peerless Ntwk	Pre-Recorded voice msg from Sophia w/Acc Claims - recorded
555	18-Sep-23	10:53 AM	1-832-909-0446	Peerless Ntwk	Final Expense rep admits to being part of Network Insurance Sr. Health Div-recorded
556	19-Sep-23	11:57 AM	1-808-458-1726	Airus Inc	Robo call - Peter w/Medicare - recorded
557	19-Sep-23	1:18 PM	1-575-216-6034	Onvoy LLC-NM	Robo call - Jim w/Health Enrollment Ctr - recorded part 1 - pers Q's
558	19-Sep-23	4:18 PM	1-336-866-5450	Onvoy LLC-NC	Robo call - HealthEnrollment Ctr w/- recorded - part 2
559	19-Sep-23	5:52 PM	1-210-953-2292	Onvoy LLC-TX	Pre-Recorded voice msg from Cindy Jones,Amer benefits/fin. exp - recorded
560	20-Sep-23	9:21 AM	1-602-898-1395	Onvoy LLC-AZ	Robo call from Peter w/Medicare - recorded
561	20-Sep-23	11:30 AM	1-469-837-4519	Peerless Ntwk	Robo call - Gavin from Acc Claims - recorded
562	20-Sep-23	12:50 PM	1-562-423-7439	Frontier Cali	Pre-Recorded voice msg from Cindy-United health - recorded
563	21-Sep-23	1:57 PM	1-720-676-0380	Peerless Ntwk	Robo call - Victor - Amer. Benefits - final exp - recorded
564	21-Sep-23	2:36 PM	1-832-984-4281	Spoofed CID	Robo call - Roger - Sr. benefits - final exp - recorded
565	21-Sep-23	4:41 PM	1-641-212-5749	Onvoy LLC-IA	abandoned call - recorded
566	21-Sep-23	4:44 PM	1-832-498-3700	Spoofed CID	Robo call - Adam w/Medicare - recorded

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

28

567	21-Sep-23	5:06 PM	1-352-652-4628	Onvoy LLC-FL	Robo call - Jennifer w/Acc Claims-recorded
568	21-Sep-23	5:20 PM	1-508-919-8665	Peerless Ntwk	Robo call - William - Home Improvement - recorded - advised rep of DNC
569	21-Sep-23	5:32 PM	1-870-558-0846	Airus INC	Robo call - Victor - Amer. benefits w/Final Exp - recorded
570	21-Sep-23	5:37 PM	1-832-224-4904	Comcast IP	Pre-Recorded voice - Marcus w/Acc Claims - recorded
571	22-Sep-23	8:44 AM	1-210-514-1914	Onvoy LLC-TX	robo call - Michael w/Medicare - recorded
572	22-Sep-23	9:39am	1-832-984-3148	Spoofed CID -Aerial	medicare robo call - Kim - Healthcare benefits recorded
573	22-Sep-23	10:17 AM	1-832-625-0918	Spoofed CID	Robo call - Ryan - solar - recorded
574	22-Sep-23	10:19 AM	1-832-621-0029	Bandwidth.com	Robo call - Shawn w/Amer. Benefits - recorded
575	22-Sep-23	11:14 AM	1-361-895-9957	Peerless Ntwk	robo call - answered and hung up when I stated "hello robo called."
576	22-Sep-23	1:23 PM	1-832-617-8329	Spoofed CID	robo call - James Smith - Camp Lejune - recorded
577	22-Sep-23	3:25 PM	1-832-918-7893	New Cingular	Robo call - Henry w/Medicare - recorded
578	23-Sep-23	10:49 AM	1-254-737-1332	NUSO LLC	Connectivity robo call - recorded
579	23-Sep-23	11:39 AM	1-409-946-5081	Peerless Ntwk	Pre-recorded voice from Sophia w/Acc Claims - recorded
580	23-Sep-23	12:59 PM	1-903-345-6645	Peerless Ntwk	Pre-Recorded msg from Amber w/Medicare - recorded
581	23-Sep-23	2:43 PM	1-302-966-7848	CenturyLink Comm	Jesse w/Home Solar
582	23-Sep-23	3:33 PM	1-229-270-4165	Onvoy LLC-GA	Medicare robo call - Damien - recorded
583	23-Sep-23	4:04 PM	1-517-888-9224	Onvoy LLC-MI	Ben - Amer. Benefits - Final Exp - recorded -
584	23-Sep-23	4:34 PM	1-832-494-2661	Onvoy LLC-TX	Robo call - Sam from Final Expense -recorded - reg for DNC
585	23-Sep-23	11:45 AM	1-771-772-5167	Onvoy LLC-DC	Acc CIs robo rep. Jason Taylor, advised rep on DNCR, notice of TCPA-recorded
586	23-Sep-23	12:13 PM	1-978-570-5907	Onvoy LLC-MA	robo call - abaandoned - recorded
587	23-Sep-23	12:26 PM	1-920-392-7975	Peerless Ntwk	robo call - Jason - Home Improvement - recorded

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

29

588	25-Sep-23	8:21 AM	1-430-208-8657	Onvoy LLC-TX	Connectivity robo call - recorded
589	25-Sep-23	9:12 AM	1-832-668-9126		abandoned robo call - recorded
590	25-Sep-23	9:13 AM	1-202-864-3109	Peerless Ntwk	Robo call - Brian - medicare - recorded - advised agent not to call anymore
591	25-Sep-23	3:09PM	1-832-637-6753	Peerless Ntwk	robo call - diabetic center - recorded
592	25-Sep-23	4:25 PM	1-469-687-9198	Peerless Ntwk	robo call - roofing quote - recorded
593	26-Sep-23	9:32 AM	1-765-470-7993	Peerless Ntwk	Pre-recorded msg -James w/Senior American benefits - recorded
594	26-Sep-23	10:36 AM	1-253-340-5787	Onvoy LLC-WA	Xavier from Medicare - recorded - advised that I have been on DNC list
595	26-Sep-23	12:16pm	1-832-680-4882	Bandwidth.com	Chris w/Medicare - advsied agent of being on DNC list - recorded
596	26-Sep-23	3:21 PM	1-719-430-9849	Bandwidth.com	robo call - Medicare - recorded - advsied agent of being on DNC list
597	27-Sep-23	8:43 AM	1-202-864-3031	Peerless Ntwk	robo call - Michael w/Medicare - recorded - advsied agent about being on DNC list
598	27-Sep-23	9:33 AM	1-567-394-1386	NUSO LLC	Pre-Recorded artificial voice from Sophia w/Acc Claims -recorded
599	27-Sep-23	12:02 PM	1-979-921-7042	Peerless Ntwk	Pre-Recorded artifical voice from Sophia - Acc Claims - recorded
600	27-Sep-23	12:05 PM	1-945-322-9066	Peerless Ntwk	Robo call - timeshare exit - recorded
601	27-Sep-23	12:08 PM	1-567-394-1601	NUSO LLC	Pre-recorded artificial voice from Sophia w/Acc Claims -recorded
602	27-Sep-23	12:49 PM	1-409-946-5449	Peerless Ntwk	Pre-recorded msg Sophia w/Acc Claims - recorded - called again at Ex. 603
603	27-Sep-23	12:49 PM	1-442-484-3768	Peerless Ntwk	Pre-recorded artifical voice from Sophia - Acc Claims - recorded
604	27-Sep-23	12:56 PM	1-276-240-5435	Onvoy LLC-VA	robo call - would not say nothing
605	27-Sep-23	1:02 PM	1-541-904-9812	Peerless Ntwk	robo call - Alex w/diabetic support - recorded
606	27-Sep-23	1:10 PM	1-409-217-3689	Onvoy LLC-Tx	missed robo call
607	27-Sep-23	2:24 PM	1-229-398-5731	Onvoy LLC-GA	Robo call - Nick from Medicare - US Health - recorded - advsied on DNC & hung up
608	27-Sep-23	5:49 PM	1-563-294-5918	AirUS Inc-IA	Robo call - did not answer

Illegal Robo Calls

30

609	28-Sep-23	10:36 AM	1-256-993-1909	NUSO LLC	Pre-recorded artificial voice from Sophia - Acc Claims - recorded
610	28-Sep-23	10:47 AM	1-832-559-3291	Comcast IP	robo call - Pre-recored artifical voice- Med Alert System solicitation - recorded
611	28-Sep-23	10:49 AM	1-832-633-4792	Spoofed CID	robo call - Natinal Debt relief - recorded - carrier shows Aerial
612	28-Sep-23	12:04 PM	1-302-209-2711	Onvoy LLC-DE	Robo call from Michael - Medicare Benrfits - recordedf
613	28-Sep-23	12:58 PM	1-608-409-4882	Onvoy LLC-WI	Robo call from Brian - Medicare - soliciting radial care service - recorded
614	28-Sep-23	2:04 PM	1-309-673-7526	Ameritech	Artificial robo call - Ella w/Federal Tax Abatment - recorded
615	28-Sep-23	2:22 PM	1-406-730-9927	Onvoy LLC-MT	robo call - no answer - recorded
616	28-Sep-23	4:27pm	1-580-375-5017	Onvoy LLC-OK	Robo call - Artificial voice from Nick w/Acc Claims - soliciting leg. Serv - recorded
617	29-Sep-23	8:31 AM	1-434-240-1334	NUSO LLC	Robo call - Artificial voice from Sophia w/Acc Claims - soliciting leg. Serv - recorded
618	29-Sep-23	10:20 AM	1-502-858-1267	Peerless Ntwk	Robo call - Michael - Medicare - recorded
619	29-Sep-23	1:47 PM	1-609-493-8012	Peerless Ntwk	robo call - abandoned - recorded
620	29-Sep-23	4:54 PM	1-317-563-8048	Peerless Ntwk	abandoned call - recorded SPOOFED CID
621	29-Sep-23	4:55 PM	1-832-697-6608	USA Mobility WRLS	Robo call - artifical - electric provider- trans to live person - cussed out by rep - recorded
622	29-Sep-23	5:05 PM	1-832-296-8222	Spoofed CID	artificial voice call - Susan from Acc Mgmt - recorded -soliciting legal services
623	30-Sep-23	6:01 PM	1-832-539-1149	Spoofed CID-Comcas	artificial voice call - Susan from Acc Mgmt - recorded -soliciting legal services
624	2-Oct-23	9:13 AM	1-830-751-9270	Peerless Ntwk	robo call- female voice and then hung up - recorded
625	2-Oct-23	9:18 AM	1-562-825-0463	Spoofed CID	robo call - female artificial voice - robo call - glitched - recorded
626	2-Oct-23	11:28 AM	1-832-665-8761	Spoofed CID	robo call - Mike called - Medicare - recorded
627	2-Oct-23	12:05 PM	1-970-841-1503	Bandwidth.com	robo call - Betty - recorded-
628	2-Oct-23	2:20 PM	1-520-438-0776	Peerless Network	Pre-recorded msg from Sophia - Acc claims - recorded
629	2-Oct-23	2:41 PM	1-781-287-9971	Peerless Ntwk	Pre-recorded msg from Sophia - Acc claims - recorded

Illegal Robo Calls

31

630	2-Oct-23	2:55 PM	1-520-200-8326	Bandwidth.com	robo call - call abandoned - recorded
631	2-Oct-23	6:05 PM	1-520-200-8376	Bandwidth.com	live call - Jason - Power Public Benefit Corp - solar call - recorded - advise that on DNCR
632	3-Oct-23	9:50 AM	1-832-486-9667	Comcast IP	Live call - Jason w/Senior benefits - soliciting final expense ins. - recorded
633	3-Oct-23	10:39 AM	1-707-314-6838	Onvoy LLC-CA	robo call - pre-recorded artifical voice- electricity overcharge - recorded
634	3-Oct-23	11:22 AM	1-727-219-9120	Bandwidth.com	robo call - abandoned - recorded
635	3-Oct-23	11:41 AM	1-574-966-9474	Choice One Comm	live call - Jessica - American Cancer Institute - soliciting screening services
636	3-Oct-23	1:05 PM	1-575-295-0268	T-Mobile USA	live call - Robert - State Benefits - final expense solicitation -recorded - place on DNC
637	3-Oct-23	2:45pm	1-727-219-9120	Bandwidth.com	live call - Jason - United Energy Co - soliciting solar - recorded - look to #634 above
638	3-Oct-23	6:27 PM	1-520-200-8376	Bandwidth.com	robo call - abandoned - recorded - look to #631 - same #
639	4-Oct-23	11:47 AM	1-832-480-4221	Spoofed CID	pre-recorded artifical voice- electricity overcharge - recorded
640	4-Oct-23	12:34 PM	1-928-735-6158	Peerless Network	robo call - computer text support - scam - recorded - not worried about a traceback
641	4-Oct-23	5:26 PM	1-520-200-8376	Bandwidth.com	robo call -abandoned - recorded - called again on Oct 6, 2023 Exh. #648
642	4-Oct-23	7:23 PM	1-520-200-8182	Bandwidth.com	robo call - abandoned - recorded
643	5-Oct-23	8:26am	1-832-558-3839		robo call - abandoned - recorded
644	5-Oct-23	10:29 AM	1-530-525-3461	Peerless Ntwk	robo call - abandoned - recorded
645	5-Oct-23	2:23 PM	1-520-200-8182	Bandwidth.com	robo call - abandoned - recorded
646	6-Oct-23	8:39 AM	1-210-761-7620	Onvoy LLC-TX	live call - Daniel w/American Solar - soliciting - recorded
647	6-Oct-23	8:50 AM	1-352-310-4057	Onvoy LLC-FL	live call - Sam w/Medicare - soliciting - recorded
648	6-Oct-23	11:24 AM	1-520-200-8376	Bandwidth.com	robo call - abandoned - recorded
649	6-Oct-23	11:59 AM	1-302-643-5296	Peerless Ntwk	robo call - abandoned - recorded
650	6-Oct-23	2:01 PM	1-302-857-0309	Bandwidth.com	robo call - abandoned - recorded

PLAINTIFF'S EXHIBIT

Number 1A

Illegal Robo Calls

32

651	6-Oct-23	2:02 PM	1-469-217-8881	Peerless Ntwk	live call - Ben w/Allstate Ins. Scam - recorded
652	7-Oct-23	2:47 PM	1-520-200-8326	Bandwidth.com	robo call - abandoned
653	7-Oct-23	5:46 PM	1-254-342-9630	Verizon	Jason from American Solar - soliciting solar
654	8-Oct-23	3:14 PM	1-346-370-5081	Aerial	text msg & call - Aura Solar
655	9-Oct-23	1:49 PM	1-520-200-8326	Bandwidth.com	robo call - abandoned - recorded -Spoofed
656	9-Oct-23	5:37pm	1-520-200-8376	Bandwidth.com	robo call - abandoned -recorded
657	9-Oct-23	6:50 PM	1-346-484-5157	Onvoy LLC-TX	robo call - Jason - Amer. Solar
658	10-Oct-23	9:56 AM	1-304-996-0168	Peerless Ntwk	robo call - abanonded -recorded
659	10-Oct-23	3:17 PM	1-607-289-2705	Onvoy LLC-NY	robo call-Jennifer - Medicare Support
660	11-Oct-23	10:30 AM	1-936-241-8719	Peerless Ntwk	robo call- Medicare Support - recorded
661	11-Oct-23	5:21 PM	1-727-219-9120	Bandwidth.com	Jason from American Solar - soliciting solar
662	11-Oct-23	5:28 PM	1-832-230-8751	Comcast IP	robo call - Kevin --acc claims/recorded
663	11-Oct-23	6:41 PM	1-248-900-3686	Peerless Ntwk	robo call - Jason -Medicare -recorded
664	12-Oct-23	8:52 AM	1-210-962-8014	Peerless Ntwk	Jason--admits to being part of Gov't - recorded
665	12-Oct-23	9:37 AM	1-216-249-9634	Spoofed CID-Onvoy	Benjamin - part of US Gov't recorded
666	12-Oct-23	11:07 AM	1-501-344-5666	CenturyLink Comm	Pre-recorded msg - Jake w/Discover - recorded
667	12-Oct-23	11:47 AM	1-631-519-6446	Onvoy LLC-NY	Alex - robo call - Medicare - admits to being part of US gov't - recorded
668	12-Oct-23	1:10 PM	1-313-998-1967	Peerless Ntwk	pre-recorded msg from Felicity - Acc Claims Mgmt - recorded
669	12-Oct-23	2:42 PM	1-509-644-2828	Peerless Ntwk	robo call - James w/Medicare - admits to being part of Medicare - recorded
670	12-Oct-23	3:56 PM	1-352-204-8674	Onvoy LLC-FL	robo call - Jason w/Medicare - recorded
671	13-Oct-23	9:36 AM	1-915-237-3551	Onvoy LLC-TX	no response

Illegal Robo Calls

33

672	13-Oct-23	10:43 AM	1-830-264-9228	Peerless Ntwk	missed robo call
673	13-Oct-23	11:54 AM	1-925-757-7475	Spoofed CID	Pre-recorded msg - Jessica - Tax relief - recorded
674	13-Oct-23	12:29 PM	1-832-448-3020	Logix Comm-Tx	Pre-recorded msg - Susan - Acct Mgmt - recorded - soliciting legal services
675	13-Oct-23	1:54 PM	1-443-300-9051	Onvoy LLC-MD	Jennifer w/Medicare - soliciting - recorded
676	13-Oct-23	2:17 PM	1-469-747-8904	Local Access LLC-TX	scam call - Windows technical support - recorded
677	13-Oct-23	2:50 PM	1-445-204-1413	Onvoy LLC-PA	John w/Medicare - telemarketer - recorded
678	14-Oct-23	12:55 PM	1-210-962-8236	Peerless Ntwk	robo cal - Henry w/Medicare - states private health ins - recorded
679	15-Oct-23	12:55 PM	832-740-1084	NUSO LLC	robo call - Jacob w/Medicare - part of U.S. Gov't - recorded
680	16-Oct-23	9:26 AM	1-216-401-1906	Spoofed CID	Pre-recorded msg - Pre- Authorized Order in name - recorded
681	16-Oct-23	12:30 PM	1-253-533-9854	Peerless Ntwk	missed robo call
682	16-Oct-23	2:24 PM	1-903-403-4561	Onvoy LLC-TX	robo call - Medicare
683	16-Oct-23	3:36 PM	1-256-860-3914	Airus Inc.-AL	robo call - abandoned - recorded
684	16-Oct-23	4:42 PM	1-970-718-0375	Peerless Ntwk	robo call - abandoned - recorded
685	16-Oct-23	5:47 PM	1-779-359-1995	NUSO LLC	James w/Medicare - admits to being part of U.S. gov't. - recorded
686	16-Oct-23	6:39 PM	1-281-226-8282		robo call abandoned - recorded
687	17-Oct-23	11:29 AM	1-830-380-9303	Onvoy LLC-Tx	pre-recorded msg -Julie w/Healthcare Benefits - Medicare - recorded
688	17-Oct-23	11:58 AM	1-862-308-1947	Peerless Ntwk	MISSED ROBO CALL
689	17-Oct-23	3:57 PM	1-910-405-1858	Peerless Ntwk	robo call -Jack Nelson w/Medicare - soliciting - recorded
690	17-Oct-23	5:29 PM	1-216-249-9607	Onvoy LLC-OH	robo call - Jacob - Healhcare support Medicare - cussed at by rep - recorded
691	17-Oct-23	5:51 PM	1-806-809-2329	NUSO LLC	Robo call - Medicare services- recorded
692	18-Oct-23	9:08 AM	1-302-541-2203	Peerless Ntwk	robo call - call abandoned - recorded

PLAINTIFF'S EXHIBITNumber A

Illegal Robo Calls

34

693	18-Oct-23	12:19 PM	1-912-900-7416	Peerless Ntwk	missed robo call
694	18-Oct-23	12:39 AM	1-254-406-4938	Onvoy LLC-Tx	missed robo call
695	18-Oct-23	12:52 PM	1-504-434-1772	NUSO LLC	robo call - Michael - USHealthcare - Medicare - recorded-asked not be be called
696	18-Oct-23	1:27 PM	1-217-569-1668	Peerless Ntwk	pre-recorded msg - Chad Peterson - Smart Home Alarms - recorded
697	18-Oct-23	1:37 PM	1-920-214-0991	Onvoy LLC-WI	pre-recorded msg - spanish airline telemarket - recorded
698	18-Oct-23	1:39 PM	1-986-229-0978	AIRUS INC-ID	robo call - Sam w/Medicare - recorded
699	October 18. 2023	2:07 PM	1-917-672-9589	Peerless Ntwk	robo call - Mark US Senior Healthcare - soliciting - recorded
700	October 18. 2023	2:44 PM	1-719-693-1797	NUSO LLC	robo call - Mark Brown - US Health Care - Medicare - recorded
701	October 18. 2023	3:19 PM	1-832-498-9532	Spoofed CID	robo call - Sean Albert - Final Expense soliciting medicare & burial expense
702	18-Oct-23	4:34 PM	1-659-251-1094	Airus, Inc-AL	robo call - Harry w/Diabetic Supply - test meter - recorded
703	18-Oct-23	5:40 PM	1-832-590-7320	SW Bell - spoofed	Pre-recorded msg from Jane - Sr. Advisor - Medicare - recorded
704	19-Oct-23	5:12 PM	1-281-218-4162	SW Bell	Pre-recorded msg from Sophia - Acc claims - recorded
705	19-Oct-23	5:24 PM	1-719-454-0158	Onvoy LLC-CO	robo call - abandoned - recorded
706	19-Oct-23	5:58 PM	1-831-610-4046	Bandwidth.com	abandoned call - recorded
707	19-Oct-23	6:46 PM	1-559-249-9235	Peerless Ntwk	abandoned call - recorded
708	20-Oct-23	8:29 AM	1-210-418-3282	Spoofed CID	abandoned call - recorded - YMAX COMMS CORP - carrier
709	20-Oct-23	9:34 AM	1-325-222-1227	Onvoy LLC-TX	robo call - Jennifer - soliciting Medicare - asked again to opt out
710	20-Oct-23	11:59 AM	1-469-810-1028	Spoofed CID	robo call - Jason w/Healthcare Solutions - recorded
711	20-Oct-23	12:38 PM	1-936-679-4183	Level 3 Comm	robo call - abandoned - recorded
712	20-Oct-23	3:08 PM	1-806-590-2168	Onvoy LLC-Tx	robo call - Daniel US Healthcare - soliciting Medicare services - recorded
713	20-Oct-23	3:44 PM	1-575-904-0974	Bandwidth.com	robo call - Walmart scam - recorded

PLAINTIFF'S EXHIBIT

Number 14

Illegal Robo Calls

35

714	20-Oct-23	3:54 PM	1-256-448-9610	NUSO LLC	robo call - Mike w/Smart Alarm - selling wireless sec. systems - recorded
715	20-Oct-23	3:59 PM	1-210-775-2248	Level 3 Comm	robo call abandoned - recorded
716	20-Oct-23	6:06 PM	1-469-972-1977	Peerless Ntwk of Tx	robo call - abandoned call - recorded
717	21-Oct-23	12:59 PM	1-607-289-2685	Onvoy LLC-NY	robo call - telemarketer Jacob -
718	21-Oct-23	1:46 PM	1-832-658-6280	SW BELL	robo call - Medicare telemarketing - recorded
719	21-Oct-23	12:59 PM	1-607-289-2685	Onvoy LLC-NY	robo call - Jacob asking for Scooby Doo - recorded
720	23-Oct-23	11:46 AM	1-713-547-7174		Pre-recorded msg - Sophia Acc claims - recorded
721	23-Oct-23	12:45 PM	1-832-653-4415		Alex - robo call - Medicare - recorded
722	23-Oct-23	1:39 PM	1-862-702-4398	Local Access LLC-NJ	Pre-recorded msg Chad Perterson - Home Alarm
723	23-Oct-23	3:06 PM	1-407-896-1202	BellSouth SO Bell	Pre-recorded msg from Tax Relief - Jessica
724	23-Oct-23	6:41pm	1-832-660-8129	Aerial -Spoofed CID	Pre-recorded msg from Kim - Accident Claims
725	23-Oct-23	7:38 PM	1-254-406-5169	Onvoy LLC-Tx	robo cal - abandoned - recorded
726	25-Oct-23	12:31 PM	1-956-552-8092	Onvoy LLC-TX	Mark w/Medicare - part of U.S. gov't - recorded
727	25-Oct-23	12:35 PM	1-956-232-2637	Level 3 Comm	Mark w/Medicare - part of U.S. gov't called back - recorded
728	25-Oct-23	12:41 PM	1-717-638-2542	Peerless Ntwk	Steven w/Medicare - recorded
729	25-Oct-23	1:16 PM	1-254-737-1289	NUSO LLC	robo call - no answer - recorded
730	25-Oct-23	1:37 PM	1-817-290-9990	Peerless Ntwk	robo call - selling rain gutters - recorded
731	25-Oct-23	2:08 PM	1-726-215-2614	Bandwidth.com	Pre-recorded msg - Sophia Acc claims - recorded
732	26-Oct-23	10:31 AM	1-832-342-1200	Grande Comm-Tx.	Micael Brown w/Medicare - recorded - Spoofed CID -
733	26-Oct-23	10:37 AM	1-832-230-1918	Comcast IP -Spoofed	robo call - Medicare services- recorded - admits to calling for Def. NISHD
734	26-Oct-23	11:24 AM	1-326-208-1239	NUSO LLC	robo call - Alex - Diabetic Supply - recorded

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

36

735	26-Oct-23	11:32 AM	1-832-569-6839	Onvoy LLC-TX	Pre-recorded msg from Acc Claims - Susan - trans to Claims Verifier - recorded
736	26-Oct-23	11:38 AM	1-832-638-6782	Spoofed CID - Aerial	Pre-recorded msg from Jane - Acc Claims - recorded
737	26-Oct-23	11:41 AM	1-878-230-0597	Commio LLC	Pre-Recorded msg from Jane - Acc Claims - recorded - then transferred
738	October 26, 2023	12:52 PM	1-346-370-5081	Aerial	Nathan with Aura Solar - recorded
739	26-Oct-23	2:08 PM	1-606-557-2729	Onvoy LLC-KY	Michael - Walgreens HQ Pharmacy - diabetic - recorded
740	26-Oct-23	2:23 PM	1-325-322-4432	Onvoy LLC-Tx	missed robo call
741	26-Oct-23	5:37 PM	1-832-230-4499		pre-recorded msg from Eliza w/Elder Care soliciting medicare - recorded
742	26-Oct-23	5:40 PM	1-254-406-4971	Onvoy LLC-TX	Robo call - soliciting medicare services - recorded
743	27-Oct-23	9:13 AM	1-256-906-7003	NUSO LLC	missed robo call
744	27-Oct-23	9:51 AM	1-954-649-0550	Verizon Wireless	missed robo call - CID Alberto Taveras
745	27-Oct-23	10:33 AM	1-561-226-4170	US LEC OF FL-Spoof	Pre-recorded msg - call hung up
746	27-Oct-23	10:38 AM	1-339-233-6732	Onvoy LLC	Nancy with Microsoft Windows - security alert on my computer
747	27-Oct-23	12:38 PM	1-832-617-8899		robo call - Medicare solicitation - recorded Sam
748	27-Oct-23	2:17 PM	1-443-770-3556	Bandwidth.com	agent Serena w/SSA - told me to shove it up my A#S = recorded
749	27-Oct-23	4:22 PM	1-603-919-9415	Peerless Ntwk-NH	robo call - Adam - cable co - recorded
750	27-Oct-23	4:58 PM	1-806-809-2183	NUSO LLC	robo call - Michael w/Medicare solicitation - recorded
751	27-Oct-23	5:02 pm	1-931-340-1506	Onvoy LLC-TN	robo call - John w/Medicare - part of NISHD - recorded
752	28-Oct-23	9:35 AM	1-216-484-6082	Peerless Ntwk	robo call - John Wilson w/Medicare - recorded
753	28-Oct-23	12:16 PM	1-210-962-8340	Peerless Ntwk	Robo call - Brian w/Medicare - recorded
754	30-Oct-23	10:04:am	1-726-237-0401	Peerless Ntwk	Adam calling for American Benefits - admits to calling for NISHD
755	30-Oct-23	1:20 PM	1-219-225-4703	Local Access LLC	Mike w/home alarms - soliciting - recorded

Illegal Robo Calls

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756	30-Oct-23	2:34 PM	1-832-460-5694	Level 3 Comm	robo call - rep admits to calling from NISHD - recorded
757	30-Oct-23	3:22 PM	1-832-286-1164		robo call - would not say nothing - recorded
758	30-Oct-23	3:26 PM	1-832-391-9587	Level 3 Comm	robo call - rcored
759	31-Oct-23	10:50 AM	1-325-691-8356	SW Bell-Spoofed CID	pre-recorded msg from Jessica - Tax relief services - recorded
760	31-Oct-23	3:20 PM	1-713-454-7917		Spanish robo call - Medicare - I mentioned Joe Orisni and NISHD & call term. Recorded
761	31-Oct-23	5:27 PM	1-832-321-5936	Comcast IP-Spoofed	pre-recorded msg from Christie w/Acc Claims Mgmt soliciting legal services - recorded
762	31-Oct-23	5:35 PM	281-962-6580	Onvoy LLC-Tx	robo call - roofing services - recorded
763	1-Nov-23	8:19 AM	1-888-417-5929		Oakwood health - Medicare - recorded
764	1-Nov-23	10:55 AM	1-832-662-1115	Peerless Ntwk of Tx	robo call - Lisa w/Senior Medicare Quotes - recorded - hung up after I asked about NISHD
765	1-Nov-23	11:43 AM	1-915-289-2755	NUSO LLC	robo call - Steve w/Medicare Cards - recorded
766	1-Nov-23	11:51 AM	1-210-962-8039	Peerless Ntwk	robo call - abandoned call - recorded
767	1-Nov-23	11:58 AM	1-571-507-2529	IP Horizon LLC	robo call - Watson w/medicare shipping dept-recorded
768	November 1. 2023	2:34 PM	1-210-962-8047	Peerless Ntwk of Tx	Daniel w/Medicare - then admits to Oak Street Health - recorded
769	November 1. 2023	4:21 PM	1-210-514-1024	Onvoy LLC-TX	robo call - David - Secured Medicare Course-recorded - NISHD hung up
770	1-Nov-23	5:11 PM	1-832-490-9335		James w/Medicare - recorded
771	1-Nov-23	6:12 PM	1-832-688-5254	AT&T Corp	Pre-recorded msg - Jacqueln w/Acc Claims
772	2-Nov-23	9:26 AM	1-832-437-8571	Comcast IP Phone	Steven w/no name Company- recorded
773	2-Nov-23	10:54 AM	1-210-953-3340	Onvoy LLC-TX	Ana w/Home Improvement soliciting - recorded
774	2-Nov-23	11:08 AM	1-602-661-3097	Bandwidth.com	abandoned robo call
775	2-Nov-23	11:56 AM	1-330-954-6918	Local Access LLC-	Steven w/Senior Benefits - offering free tablet-internet - recorded
776	2-Nov-23	12:05 PM	1-734-746-0278	Peerless Ntwk	Dan/w Nationwide health Ins - admits to calling for NISHD - recorded

PLAINTIFF'S EXHIBIT

Number 1A

Illegal Robo Calls

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777	2-Nov-23	12:48 PM	1-480-439-4440		robo call - abandoned - recorded
778	2-Nov-23	1:54 PM	1-667-408-3884	Bandwidth.com	robo call - financial aid - recorded
779	2-Nov-23	2:05 PM	1-832-267-3186		Fallon w/ U.S. Marketplace a/k/a Medicare - recorded
780	2-Nov-23	4:47 PM	1-832-975-6666		abandoned call - recorded
781	2-Nov-23	6:35 PM	1-832-862-2690		Lisa/w Secured Medicare Quotes -mentioned NISHD call center - Lisa term call-recorded
782	3-Nov-23	9:04 AM	1-832-222-1015		Lomas w/Health care Benefits - admits to being part of NISHD - recorded
783	3-Nov-23	10:35 AM	1-682-285-8932	Teleport Com Dallas	robo call -
784	3-Nov-23	10:42 AM	1-612-405-1577	NUSO LLC	John w/US Healthcare - recorded
785	3-Nov-23	11:40 AM	1-832-990-7807		Lenny w/LifeLine Energy - recorded
786	3-Nov-23	1:52 PM	1-219-273-8051	Peerless Ntwk	Mark w/American Claim Advisors - law firm - Ozimpic, Camp Lejune, etc - recorded
787	3-Nov-23	2:50 PM	1-832-487-0446	Onvoy LLC-TX	Pre-Recorded msg from Kara - Victim Defense Team - Health HQ - recorded
788	3-Nov-23	3:05 PM	1-442-334-5285	PEERLESS NTWK	Zack- Final Expense - recorded
789	3-Nov-23	5:12 PM	1-432-316-2395	NUSO LLC	Lisa w/Medicare - soliciting - recorded
790	3-Nov-23	5:38 PM	1-607-214-1241	Local Access LL-NY	Alex - American Claims - diff diseases - recorded - advised rep on the DNC
791	3-Nov-23	6:34 PM	1-832-243-1738		Dave w/Healthcare Dept - recorded
792	4-Nov-23	9:02 AM	1-206-944-7671	Peerless Ntwk WA	Jon w/American Claims -diff diseases - recorded - advsied to Not Call
793	4-Nov-23	11:06 AM	1-409-302-6512	MetroPCS,Inc	Jason w/--- hangs up - recorded
794	4-Nov-23	1:41 PM	1-518-816-0186	Bandwidth.com	robo cal - abandoned
795	4-Nov-23	1:59 PM	1-806-809-2284	NUSO LLC	Steven -Secured medicare - terms call after I ask Q - recorded
796	5-Nov-23	2:17 PM	1-832-238-9924		Henry w/Affordable Care Act -recorded
797	5-Nov-23	1:31 PM	1-832-301-3821	Spoofed CID	Pre-recorded msg from Eliza - recorded - Carrier - COMCAST IP PHONE LLC

Illegal Robo Calls

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798	6-Nov-23	8:49 AM	1-832-620-1708		Pre-recorded msg - Ryan deom debt relief program - recorded
799	6-Nov-23	9:40 AM	1-432-316-2644	NUSO LLC	Repeat robo caller Doris - Medicare Secure - recorded
800	6-Nov-23	10:28 AM	1-956-415-5241	STPCS JOINT VEN	Danny Martin - final expense = states Lic ins agent - recorded - Spoofed CID
801	6-Nov-23	10:58 AM	1-863-323-7826	Bandwidth.com	Nancy - financial aid dept - recorded
802	6-Nov-23	12:14 PM	469-986-2778		robo call - timeshare - recorded
803	6-Nov-23	12:30 PM	1-302-572-4316	Bandwidth.com	answered - heard the beep transfer to agent and hung up - recorded
804	7-Nov-23	9:17 AM	1-254-410-2687	Spoofed CID	Brian - Sr Citizens ..final expense - recorded
805	7-Nov-23	9:59 AM	1-859-592-0724	Bandwidth.com	Steve w/Walmart - recorded
806	7-Nov-23	10:16	1-915-289-2808		Jesse- recorded
807	7-Nov-23	1:08 PM	1-254-720-0315		robo call - abandoned - recorded
808	7-Nov-23	2:00 PM	1-915-289-2808		Alex/w/Medicare Benefits - recorded -
809	7-Nov-23	2:11 PM	1-774-307-8037	PEERLESS NTWK	Faum w/Medicare - admits to getting info from public listing - recorded
810	7-Nov-23	2:14 PM	1-571-615-1542	IP Horizon LLC	Watson w/Medicare - recorded
811	7-Nov-23	3:01 PM	1-602-324-9744	MCIMETRO ATS	abaondoned call - recordedf
812	7-Nov-23	4:37 PM	1-832-694-3431	Comcast IP Phone	Pre-recorded msg - Francis - Acc Claims - recorded
813	7-Nov-23	5:47 PM	1-602-661-3097		robo call - Jason - United Power - recorded
814	7-Nov-23	7:15 PM	1-480-626-8944		robo call abandoned - recorded
815	8-Nov-23	8:36 AM	1-832-500-4425		robo call - James w/Medicare Solicitation - recorded
816	8-Nov-23	9:00 AM	1-971-757-3811		robo cal abandoned - recorded
817	8-Nov-23	10:16 AM	1-806-809-2194	NUSO LLC	Lisa w/Medicare - soliciting - recorded
818	8-Nov-23	10:40 AM	1-903-900-5957	Onvoy LLC-TX	William w/Final Expense - admits to being part of NISHD -

Illegal Robo Calls

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819	8-Nov-23	11:15 AM	1-602-324-9744		Mark - Smart Home Solar - recorded
820	8-Nov-23	1:01 PM	1-708-774-9631	Spoofed CID	My # got spoofed - robo caller called incoming call person - recorded
821	8-Nov-23	2:37 PM	1-228-586-8434		call abandoned
822	8-Nov-23	4:05 PM	1-718-710-0577	Spoofed CID	My # got spoofed - robo caller called incoming call person - recorded
823	8-Nov-23	5:15 PM	1-240-359-6820	Onvoy LLC-MD	Microsoft scam - recorded
824	8-Nov-23	5:49 PM	1-832-598-2526		Pre-Recorded -Evelyn w/Elder care - recorded
825	8-Nov-23	7:45 PM	1-682-339-8951	Spoofed CID	Eric w/Secure medicare - admits being part of NISHD - recorded
826	9-Nov-23	8:13 AM	1-832-409-5786		Aleum w/Medicare US Medical Health Ins. - recorded
827	9-Nov-23	9:00 AM	1-832-831-7379	Comcast IP Phone	Pre-recorded msg from Evelyn - Carlos admits to being blacklisted - admits NISHD - recorded
828	9-Nov-23	10:35 AM	1-726-216-8585		Chris w/Final Expense - admits to being part of NISHD -recorded
829	9-Nov-23	11:49:AM	832-437-2263		Robo call from Green Home energy - recorded
830	9-Nov-23	11:52 AM	1-936-241-8713		Lupen w/The Better Health Center - recorded
831	9-Nov-23	12:05 PM	1-267-384-1487		Elena w/Home Improvement - recorded
832	9-Nov-23	1:22 PM	1-469-825-6797		Jason w/Secured Medicare - recorded
833	9-Nov-23	1:43pm	1-520-521-8280		Michael - Walgreens Pharmacy - diabetic - recorded
834	9-Nov-23	2:02 PM	1-832-659-0191		Mark w/Medicare - soliciting recorded
835	9-Nov-23	2:31 PM	1-602-324-9744		John w/Home Solar - recorded
836	9-Nov-23	2:36 PM	1-832-487-9910		Kevin w/Medicare - admits to being part NISHD - recorded
837	9-Nov-23	3:36 PM	1-432-316-2427		Alex Brown w/Secured medicare costs recorded
838	9-Nov-23	3:56 PM	1-281-886-9682		Mike w/Final Expense -recorded
839	9-Nov-23	5:33 PM	1-201-355-5244		John w/Health & Human Resources - Medicare - recorded -

Illegal Robo Calls

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840	10-Nov-23	11:18 AM	1-409-271-2410	NUSO LLC	Steve w/Secured Medicare - recorded
841	10-Nov-23	12:17 PM	1-832-225-8769		Eric w/Senior Benefits - recorded
842	10-Nov-23	2:15 PM	1-832-569-4459		David w/Medicare Benefits - evil laugh
843	10-Nov-23	4:35 PM	1-682-966-7701	Peerless Ntwk of Tx	Autnum w/Secure Medicare - recorded
844	10-Nov-23	6:36 PM	1-407-517-4724	Spoofed CID	Bruce w/muffled - recorded - VoIP provider - XO Florida Inc
845	11-Nov-23	12:19 PM	1-682-339-8596	Peerless Ntwk	Pre-recorded bot - Mike w/Smart Alarm recorded
846	11-Nov-23	12:45 PM	1-407-517-4724		call abandoned
847	11-Nov-23	1:04 PM	1-806-809-2277	NUSO LLC	Jacob - Medicare - recorded
848	11-Nov-23	1:27 PM	1-832-800-2284	CID Spoofed	Michael w/agent for Medicare -recorded
849	11-Nov-23	4:24 PM	1-832-232-4567		Pre-recorded msg from Ana - Elder Care - recorded
850	12-Nov-23	12:26 PM	1-832-770-9023	Spoofed CID	Pre-recorded msg from Evelyn - Elder care - recorded
851	13-Nov-23	8:56 AM	1-832-243-0023		Pre-recorded msg from Eliza - Elder Care - recorded
852	13-Nov-23	9:02 AM	1-832-801-4657		James w/Medicare - recorded - talking to James & another robo call came in - recorded
853	13-Nov-23	9:03 AM	1-434-205-3436	Peerless Ntwk of VA	call came in while on call with James above - you can hear on recording
854	13-Nov-23	9:15 AM	1-240-524-9621	Peerless Ntwk	John w/healthcare care ctr - recorded
855	13-Nov-23	9:35 AM	1-726-348-5963	T-Mobile USA Inc	Daniel w/Medicare -recorded
856	13-Nov-23	11:42 AM	1-281-549-4748	Spoofed CID	Jason w/Final Expense - admits to being part of NISHD - recorded - Carrier - Comcast IP
857	13-Nov-23	2:13 PM	1-682-339-8993	Peerless Ntwk of Tx	abandoned call - recorded - called again at Exhibit 862
858	13-Nov-23	4:27 PM	1-928-327-1594	Vonnage America	remote job scam - recorded
859	13-Nov-23	4:27 PM	1-405-608-9363	Peerless Ntwk-OK	Pre-recorded msg - Jessica - CID name - healthcare - recorded
860	13-Nov-23	4:35 PM	1-903-573-0548	Verizon Wireless	jared Nelson w/Sr. benefits - final expense - recorded - CID Spoofed

PLAINTIFF'S EXHIBITNumber A

Illegal Robo Calls

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861	13-Nov-23	6:06 PM	1-225-396-8801	Onvoy LLC-LA	call abandoned - recorded
862	13-Nov-23	7:43 PM	1-682-339-8993	Peerless Ntwk of Tx	Azen Jones - medicare - recorded
863	14-Nov-23	8:14 AM	1-612-682-9028		call abandoned - recorded
864	14-Nov-23	10:53 AM	1-920-276-4140	Onvoy LLC- WI	max w/ACA Insurance - Medicare - recorded
865	14-Nov-23	12:52 PM	1-337-444-3703	Onvoy LLC-LA	Carol w/Medicare Services - recorded
866	14-Nov-23	1:23 PM	1-469-825-6616	Peerless Ntwk of Tx	Jasib Reed w/Secured Medicare Quotes - recorded
867	14-Nov-23	4:39 PM	1-574-725-0531	Peerless Ntwk of IN	Alex w/medicare Secured Quotes - recorded
868	14-Nov-23	4:44 PM	1-832-804-6953		Daniel from Marketplace -but he is not - recorded
869	14-Nov-23	4:48 PM	1-985-296-3952	Onvoy LLC -LA	Jason from Medicare - recorded
870	15-Nov-23	9:00 AM	1-806-809-2341	NUSO LLC	Alex w/Secure Medicare Quotes - recorded
871	15-Nov-23	9:18 AM	1-940-251-6876		Telemarketing call - recorded
872	15-Nov-23	1:21 PM	1-901-688-1676	NUSO LLC	Chase w/General Electric Home Security Alarms - recorded
873	15-Nov-23	1:40 PM	1-208-581-6873		Christine w/NT Healthcare - medicare - recorded
874	15-Nov-23	2:21 PM	1-956-790-9357	Westel Inc-Texas	Rep asking for Scooby Doo - laughs - recorded
875	15-Nov-23	5:39 PM	1-832-681-4663	SW Bell - spoofed	Jake w/Windows Techincal Support
876	15-Nov-23	7:28 PM	1-832-598-2173		Eliza w/Elder Care
877	16-Nov-23	10:06 AM	1-832-431-3488		Thomas w/AT&T - soliciting cable -cusses - recorded
878	16-Nov-23	10:41 AM	1-725-291-1442	NUSO LLC	Sam w/Medicare ruse - recorded
879	16-Nov-23	10:50 AM	1-832-643-6615		Pre-recorded msg from Hazel w/US Funeral - 2nd call came in - listed below -recorded
880	16-Nov-23	10:52 AM	1-817-969-0531	Peerless Ntwk of Tx	Call from Secured Medicare Quotes - recorded - hung up after asked for name -rec
881	16-Nov-23	11:05 am	1-254-221-5945	SPOOFED CID	William w/Final Expense - follow up call - recorded provided 442-500-3992 -recorded

Illegal Robo Calls

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882	16-Nov-23	11:15 AM	1-330-449-5655		missed call - telemarketer
883	16-Nov-23	11:35 AM	1-832-437-6196		Mike w/Benefits Center - Medicare - recorded
884	16-Nov-23	2:52 PM	1-832-667-6783	Spoofed CID	David/w/Healthcare Benefits - Medicare - recorded - carrier Teleport COM AM
885	16-Nov-23	3:28 PM	1-409-999-0369	Spoofed CID	John w/Healthcare Benefits - Medicare -admits to being in Mumbai - recorded
886	16-Nov-23	4:00 PM	1-940-239-5606	Level 3 Comm	Diego w/Final Expense - recorded
887	16-Nov-23	4:18 PM	1-918-800-2132	Onvoy LLC-OK	abandoned call - recorded
888	16-Nov-23	5:18 PM	1-832-230-8874		roboc all ans and telemarketer hung up - recorded
889	17-Nov-23	8:05 AM	1-832-446-7457	Spoofed CID	Rosie NCA Heath Ins - recorded
890	17-Nov-23	8:12 AM	1-406-296-1631	Onvoy LLC-MT	Jenny MC health Center - recorded
891	17-Nov-23	9:07 AM	1-470-220-8568		abandoned call
892	17-Nov-23	11:39 AM	1-432-220-7437	Onvoy LLC- Tx	Alex w/Final Expense - Scooby Doo call - recorded
893	17-Nov-23	2:16 PM	1-214-619-6059		Final expense - recorded
894	17-Nov-23	3:51 PM	1-682-842-0142	Peerless Ntwk of Tx	Final exp - recorded
895	17-Nov-23	4:03 PM	1-832-813-8638	Spoofed CID	Pre-Recorded msg from Nancy - Med Advisor recorded - Carrier Comcast Ip Phone LLC
896	17-Nov-23	4:12 PM	1-254-223-5924	Onvoy LLC-TX	robo call - recorded
897	17-Nov-23	4:53 PM	1-812-407-8384		roboc all - Morgan Walker - Medicare Specilist - recorded
898	17-Nov-23	6:45 PM	1-325-321-5017	T-Mobile USA Inc	Kevin w/Healthcare Services - recorded - 4-5 second pause before he came online
899	17-Nov-23	6:54 PM	1-830-638-0645		Prerecorded msg from Cassidy - Sr.Advisor - recorded
900	18-Nov-23	11:27 AM	1-830-563-6513	SW Bell	Robo call - William from final expense - recorded
901	18-Nov-23	11:36 AM	1-832-306-7156		John robo caller - recorded
902	18-Nov-23	4:29 PM	1-214-960-2156	Level 3 Comm	Robo call - recorded - Scooby Doo but knows Plaintiff's real name

PLAINTIFFS EXHIBITNumber A

Illegal Robo Calls

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903	20-Nov-23	9:28 AM	1-682-413-6861	Bandwidth.com	Henry from Sr, benefits - final expense recorded
904	20-Nov-23	12:33 PM	1-726-231-9675	New Cingular	Alex w/Final expense - Scooby Doo call - recorded - will not disclose co - blacklist
905	20-Nov-23	2:21 PM	1-419-452-8726		Jason from Tv Services - recorded
906	20-Nov-23	3:07 PM	1-832-609-6309		Bennie from Medciare - recorded
907	21-Nov-23	8:27 AM	no callerID		Roundup classaction - recorded
908	21-Nov-23	10:15 AM	1-860-390-1802	Peerless Ntwk	Alex Brown w/ Medicare - recorded
909	21-Nov-23	11:02 AM	1-713-234-5170	MCI WORLDCOM	Jason w/Final Expense - recorded - Spofed CID
910	21-Nov-23	11:48 AM	1-734-535-9983	Peerless Ntwk-MI	Microsoft scam - recorded
911	21-Nov-23	12:22 PM	1-832-620-7647		Pre-recorded msg - Mark - real estate firm - recorded
912	21-Nov-23	12:47 PM	1-832-990-4191		Jennifer w/Medicare - soliciting - recorded
913	21-Nov-23	1:20 PM	1-832-613-6250	Onvoy LLC-Tx	Lucas w/Renewable Energy - recorded - Spoofed CID
914	21-Nov-23	1:28 PM	1-815-426-4176	Peerless Ntwk - IL	Alex Parker w/Medicare - recorded - Spoofed CID
915	21-Nov-23	1:35 PM	1-208-512-6427	Verizon Wireless	Calvin w/Forward Customer Service - recorded
916	21-Nov-23	2:15 PM	1-832-524-5854		daniel w/Enrollment Ctr - Medicare - recorded recd another robo call listed bel
917	21-Nov-23	2:16 PM	1-469-393-2382	Bandwidth.com	recd this call while on call with Exhibit 916
918	21-Nov-23	2:17 PM	1-862-365-0031		Daniel from Marketplace -transf to Paul - recorded
919	21-Nov-23	4:15 PM	1-520-473-5063	Onvoy LLC-AZ	Silent Call - Mike w/Home Solar - recorded - SPOOFED CID
920	21-Nov-23	5:49 PM	1-832-321-5129		David w/Medicare Benefits -
921	22-Nov-23	9:47 AM	1-832-948-6824		Ann w.Obamacare - recorded
922	22-Nov-23	10:50 AM	1-832-687-1358		Pre-recorded msg Rose from a real Estate firm - recorded
923	22-Nov-23	12:17PM	1-832-893-5654		heard the squelch - no answer - recorded

Illegal Robo Calls

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924	22-Nov-23	1:44 PM	1-413-360-7143	Onvoy LLC-MA	Silent call/pre-recorded from harvey w/Social Sec. Admin - recorded
925	22-Nov-23	2:01 PM	1-480-931-3093	Vonnage America	Jason w/United energy - recorded
926	22-Nov-23	2:09 PM	1-832-915-4363		Tim w/US Savings Center - recorded
927	22-Nov-23	2:27 PM	1-832-480-8420		Mark w/Medicare services - found my info on Sr Data base - recorded
928	22-Nov-23	5:01 PM	1-832-830-8108		Jessica w/Affordable Health Care - recorded
929	November 22. 2023	5:03 PM	1-832-862-1027		Pre-recorded msg - Sean w/Debt Help Ctr - recorded
930	22-Nov-23	5:11 PM	1-830-267-8282	Level 3 Comm	Diego w/Final Expense -admits to calling for NISHD - recorded - admits to thousands of #'s
931	22-Nov-23	5:17 PM	1-214-329-1411	Level 3 Comm	Ana w/Healthcare - soliciting - recorded - hangs up after I ask where call center at
932	27-Nov-23	10:29 AM	1-956-899-5265	Telnyx LLC	Chris from Final Expense - admits to calling for NISHD - recorded
933	27-Nov-23	1:35 PM	832-813-8374		Mary Jane - Medicare - req. to stop calling - recorded
934	27-Nov-23	2:07 PM	470-335-3532		roboc all - call center background can be heard - recorded
935	28-Nov-24	8:20 AM	1-720-978-1533	NUSO LLC	robo call - Medicare - recorded - advsied agent of being on DNC list
936	28-Nov-23	9:42 AM	1-832-831-7164	Comcast IP Phone	incoming silent call - Daniel - Medicare - recorded SPOOFED CID
937	28-Nov-23	10:23 AM	1-956-964-3205	Peerless Ntwk	Simon with Final Expense - advsied to place on DNC - recorded
938	28-Nov-23	10:53 AM	1-346-279-5232		robo call - recorded
939	28-Nov-23	12:33 PM	1-620-273-2936	Vonnage America	John w/Smart Home Solar - recorded - advsied to put on DNC again
940	29-Nov-23	11:30 AM	1-512-688-5367	Spoofed CID	pre recorded msg - kicked out of conference - recorded - Cebridge Telecom carrier
941	29-Nov-23	12:04 PM	1-832-617-8804		missed call
942	29-Nov-23	12:04 PM	1-832-617-8804		abaandoned call - recorded
943	29-Nov-23	1:57 PM	1-432-465-7309	Fractel LLC	James w/Final Expense - trans to verifier - call abruptly terminated - recorded
944	29-Nov-23	2:32 PM	1-832-659-0168		Daniel w/Affordable Care - recorded - gave a fictitious website

PLAINTIFF'S EXHIBIT

Number A

Illegal Robo Calls

46

945	30-Nov-23	8:43 AM	1-608-360-5830		robo call - abandoned
946	30-Nov-23	8:48 AM	1-832-479-1370		craid davis - direct tv - recorded -
947	30-Nov-23	9:09 AM	1-682-265-9632	Peerless Ntwk of Tx	Medciare call -recorded
948	30-Nov-23	9:20 AM	1-806-809-2251		Jenny w/State Sr, Benefits - final exp - another roboc all coming thru
949	30-Nov-23	9:21 AM	1-216-865-8603	Peerless Ntwk - OH	missed call - while talking to Jenny above
950	30-Nov-23	12:14 PM	830-437-4684		Diego - Final Expense - recorded - understands my position -
951	30-Nov-23	1:44 PM	1-832-345-1502		call abanonded - recorded
952	30-Nov-23	2:09 PM	1-614-977-1172		Bis from Affordable Care - asked what co. he was calling from - call term. Recorded
953	30-Nov-23	2:34 PM	1-208-683-8320	MCIMETRO ACC	pre-recorded msg from Jessica - Tax relief services - recorded - Healthcare cid
954	30-Nov-23	2:36 PM	1-832-839-9147		Ana w/internet and cable - recorded
955	30-Nov-23	2:45 PM	1-832-669-5445		travis w/sr medicare - recorded -hangs after I ask Q -
956	30-Nov-23	2:55 PM	1-575-221-1743	Spoofed CID - Onvoy	Steven w/Pain Medication -please don't call
957	30-Nov-23	3:40pm	1-956-643-2833		call abandoned - recorded
958	30-Nov-23	3:45 PM	1-832-669-0142		Dave w/Afforadable Care - recorded
959	30-Nov-23	5:29 PM	1-806-809-2349	NUSO LLC	Adam w/Sr. State Benefits - final Exp - recorded - asked Q and he hung up
960	30-Nov-23	6:35 PM	1-832-288-4948		Eliza w/Protecture Medicare
961	1-Dec-23	8:38 AM	1-802-341-4924		robo call - I answered and no salesagent there - recorded
962	1-Dec-23	11:01 AM	1-832-688-8477		Georgef w/Affordable Health Care - recorded
963	1-Dec-23	11:50 AM	1-484-339-7286	Onvoy LLC-PA	Alex w/Healthcare Dept - recorded - telling Alex to quit calling since jan 2023
964	1-Dec-23	12:58 PM	1-229-664-5917		robo call - 3-4 second delay before agent answeed & hung up - recorded
965	1-Dec-23	2:34 PM	1-302-240-1799	Onvoy LLC-DE	Ron Wilson w/Final Expense - recorded - req to stop calling -

PLAINTIFF'S EXHIBIT

Number 1

December 7, 2023

United States District Court
Clerk
PO Box 61010
Houston, Texas 77208

United States Courts
Southern District of Texas
FILED

DEC 14 2023

Nathan Ochsner, Clerk of Court

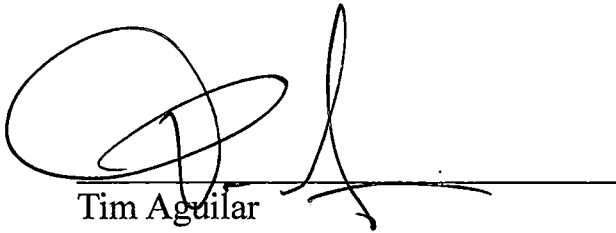
Re: Timothy Aguilar v. Network Insurance Senior Health Division et al, Case 4:23-CV-3988,
United States District Court – Houston Division

Dear Clerk:

Please find enclosed for filing in the above referenced case the following:

- (a) Plaintiff's Response to Defendant Network Motion to Dismiss and Plaintiff's Motion to Strike Network's Affirmative Responses

Thank you for your service in this matter.

A handwritten signature in black ink, appearing to be 'Tim Aguilar', written over a horizontal line.

Tim Aguilar
832-689-7311